WEEKS & CO. BINDERS, LONDON.

607986

B I L L S,

PUBLIC:

SEVEN VOLUMES.

—*(2.)*—

CUSTOMS AND INLAND REVENUE

TO

GAME LAWS AMENDMENT (SCOTLAND).

Session

8 *February* —— 15 *August* 1876.

VOL. II.

1876.

BILLS,

PUBLIC;

SEVEN VOLUMES.

—(2)—

CUSTOMS AND INLAND REVENUE

to

GAME LAWS AMENDMENT (SCOTLAND).

Session

3 February —— 15 August 1876

VOL. II.

1876.

B I L L S:

1876.

SEVEN VOLUMES:—CONTENTS OF THE

SECOND VOLUME.

N.B.—*THE* Figures *at the* beginning of the line, *correspond with the* N° *at the foot of each* Bill; *and the* Figures *at the* end of the line, *refer to the* MS. Paging *of the Volumes arranged for The House of Commons.*

Customs and Inland Revenue:

124. Bill to grant and alter certain Duties of Customs and Inland Revenue, and to amend the Laws relating to Customs and Inland Revenue - - - p. 1

Customs Duties Consolidation:

188. Bill for consolidating the Duties of Customs - - - - - - - 9

Customs Laws Consolidation:

154. Bill to consolidate the Customs Laws - - - - - - - - 17

154A. Synopsis of the Customs Consolidation Bill, 1876, and the unrepealed Sections of existing Acts - - - - - - - - - - - - - 133

Divine Worship Facilities:

30. Bill to provide additional Facilities for the Performance of Divine Worship according to the Rites and Ceremonies of the Church of England - - - 145

Drainage and Improvement of Land (Ireland) Provisional Orders:

71. Bill to confirm Two Provisional Orders made under "The Drainage and Improvement of Land (Ireland) Act, 1863," and the Acts amending the same - 153

Drainage and Improvement of Lands (Ireland) Provisional Orders (No. 2):

99. Bill to confirm Two Provisional Orders made under "The Drainage and Improvement of Lands (Ireland) Act, 1863," and the Acts amending the same - 159

Drugging of Animals:

85. Bill to prevent the Administration of Poisonous Drugs to Horses and other Animals - - - - - - - - - - - - - 165

Dublin City:

201. Bill for the better Government of the City of Dublin, and for the enlargement of the municipal boundaries thereof (*not printed*) - - - - - - 169

East India (Chief Justices of High Courts):

98. Bill to amend the Law relating to the appointment of Chief Justices of the High Courts in India - - - - - - - - - - - - 171

Ecclesiastical Assessments (Scotland):

106. Bill to amend the Law in regard to Ecclesiastical Assessments in Scotland, p. 175

Ecclesiastical Offices and Fees [H.L.]:

232. Bill, intituled, An Act to reform certain Ecclesiastical Offices, and to regulate Ecclesiastical Fees - - - - - - - - - - - 181

Election of Aldermen (Cumulative Vote):

46. Bill to amend the Law relating to the Election of Aldermen in Municipal Boroughs, by the application thereto of the Cumulative Vote - - - - - 213

Electoral County Boards (Ireland):

8. Bill for the establishment of Electoral County Boards in Ireland - - 217

Elementary Education:

155. Bill to make further provision for Elementary Education - - - - 229

277. Same [as amended in Committee] - - - - - - - - - 249

295. Lords' Amendments to the Elementary Education Bill - - - - 279

Elementary Education Act (1870) Amendment:

14. Bill to amend the Elementary Education Act, 1870, by making obligatory in England and Wales the attendance of Children at School and the formation of School Boards - - - - - - - - - - - - - 283

Elementary Education (Application for School Board):

16. Bill to amend the Elementary Education Act, 1870, in respect of the period which must elapse between the rejection and renewal of a Resolution for application for a School Board - - - - - - - - - - - 287

Elementary Education Provisional Order Confirmation Bill (Cardiff), 1876 [H.L.]:

243. Bill, intituled, An Act to confirm a Provisional Order made by the Education Department under "The Elementary Education Act, 1870," to enable the School Board for Cardiff to put in force "The Lands Clauses Consolidation Act, 1845," and the Acts amending the same - - - - - 291

Elementary Education Provisional Orders Confirmation (Hailsham, &c.) [H.L.]:

223. Bill, intituled, An Act to confirm certain Provisional Orders made by the Education Department under "The Elementary Education Act, 1870," to enable the School Boards for Hailsham, Ilchester, Ingham, Slaugham, Swansea (United District), and Swansea Parish, Higher and Lower, to put in force "The Lands Clauses Consolidation Act, 1845," and the Acts amending the same - 295

Elementary Education Provisional Order Confirmation Bill (Hornsey), 1876 [H.L.]:

224. Bill, intituled, An Act to confirm a Provisional Order made by the Education Department under "The Elementary Education Act, 1870," to enable the School Board for Hornsey to put in force "The Lands Clauses Consolidation Act, 1845," and the Acts amending the same - - - - - 305

Elementary Education Provisional Order Confirmation (London) [H.L.]:

221. Bill, intituled, An Act to confirm a Provisional Order made by the Education Department under "The Elementary Education Act, 1870," to enable the School Board for London to put in force "The Lands Clauses Consolidation Act, 1845," and the Acts amending the same - - - - - 309

Elementary Education Provisional Order Confirmation Bill (Tolleshunt Major), 1876 [H.L.]:

238. Bill, intituled, An Act to confirm a Provisional Order made by the Education Department under "The Elementary Education Act, 1870," to enable the School Board for Tolleshunt Major, in the County of Essex, to put in force "The Lands Clauses Consolidation Act, 1845," and the Acts amending the same - - - - - - - - - - - - 337

Elver Fishing:

162. Bill to amend the Law relating to Elver Fishing - - - - p. 341

225. Same [as amended in Committee] - - - - - - - - - 345

Employers and Workmen Act (1875) Extension:

23. Bill to extend the Provisions of the Employers and Workmen Act of last Session to Seamen whilst they are in British Waters - - - - - - - 349

Employers Liability for Injury:

15. Bill to amend the Law relating to the Liability of Employers for Injuries negligently caused to Persons in their Employment - - - - - - 353

Epping Forest:

66. Bill to extend the Time for the Epping Forest Commissioners to make their Final Report - - - - - - - - - - - - - 357

Erne Lough and River:

187. Bill for the Improvement of the Navigation of the Lough and River Erne - 361

Exchequer Bonds (4,080,000 *l.*):

89. Bill to raise a Sum by Exchequer Bonds - - - - - - - - 367

Exhausted Parish Lands:

252. Bill to make Provision for the Disposal of certain Lands appropriated for the supply of Materials for the repair of Public and Private Roads - - - - 371

Expiring Laws Continuance:

281. Bill to continue various Expiring Laws - - - - - - - 375

Forfeiture Relief:

259. Bill to amend the Law of Relief against Forfeiture for Breach of Covenant or Condition - - - - - - - - - - - - - 379

Free Libraries and Museums:

35. Bill to facilitate the Establishment of Free Libraries and Museums and Institutions for the Teaching of Science and Art (*not printed*) - - - - - - 383

Friendly Societies Act (1875) Amendment:

177. Bill to amend the Friendly Societies Act, 1875 - - - - - - - 385

249. Lords' Amendments to the Friendly Societies Act (1875) Amendment Bill - 389

Game Laws (Scotland):

3. Bill to amend the Laws relating to Game in Scotland - - - - - 391

Game Laws Amendment (Scotland):

123. Bill to amend the Laws relating to Game in Scotland - - - - - 401

Customs and Inland Revenue Bill.

ARRANGEMENT OF CLAUSES.

Clauses.

1. Short title.

PART I.

Customs and Excise.

2. Grant of customs duties on tea.
3. Customs duty on cocoa paste and chocolate.
4. As to bottling spirits in a customs or excise warehouse for exportation only.
5. Restriction of term "male servant" in s. 19 of 32 & 33 Vict. c. 14.

PART II.

Income Tax.

6. Grant of duties of income tax.
7. Provisions of Income Tax Acts to apply to duties hereby granted.
8. Exemption where income is under 150*l.*, and abatement where income is under 400*l.*
9. Certain offices to continue chargeable under Schedule E., and other offices transferred to Schedule D.
10. Repeal of enactments in schedule.
11. Provisions of Income Tax Acts to apply to duties to be granted for succeeding year.

PART III.

Stamps.

12. Instruments increasing rent to be chargeable with stamp duty as leases at the additional rent.

PART IV.

Land Tax.

13. Repeal of duties of 1*s.* and of 6*d.* on certain offices, &c., and of land tax duties on offices and pensions.

SCHEDULE.

A

B I L L

TO

Grant and alter certain Duties of Customs and Inland Revenue, and to amend the Laws relating to Customs and Inland Revenue. A.D. 1876.

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom of Great Britain and Ireland in Parliament assembled, towards raising the necessary supplies to defray Your Majesty's public expenses, and making an addition to the public revenue, have freely and voluntarily resolved to give and grant unto Your Majesty the several duties hereinafter mentioned, and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as "The Customs and Inland Revenue Act, 1876." Short title.

Part I.

Customs and Excise.

2. The duties of customs now charged on tea shall continue to be levied and charged on and after the first day of August one thousand eight hundred and seventy-six until the *first day of August one thousand eight hundred and seventy-seven* on importation into Great Britain or Ireland; (that is to say,) Grant of customs duties on tea.

Tea, the pound - - - - - - *Sixpence.*

A.D. 1876.

Customs duty on cocoa paste and chocolate.

3. In lieu of the duty of customs now chargeable on the article under-mentioned on importation into Great Britain and Ireland, the following duty shall be charged *from and after the passing of this Act;* (that is to say),

Cocoa paste or chocolate, the lb. - - - *1d.*

As to bottling spirits in a customs or excise warehouse for exportation only.

4. Whereas any spirits warehoused in a customs or excise warehouse may by law, subject to the regulations of the Commissioners of Customs and the Commissioners of Inland Revenue respectively, be bottled in quart or pint bottles for exportation or for use as ship's stores: And whereas it is expedient to allow the use of bottles of any capacity approved by the Commissioners of Customs and the Commissioners of Inland Revenue respectively in bottling for exportation only: Be it enacted, that subject to such regulations as may be from time to time made by the Commissioners of Customs and the Commissioners of Inland Revenue respectively as to capacity of bottles, packing the same, and otherwise, any spirits deposited in customs or excise warehouse may be bottled and packed in cases for exportation only.

Restriction of term "male servant" in s. 19 of 32 & 33 Vict. c. 14.

5. The term "male servant," as used in the Act of the thirty-second and thirty-third years of Her Majesty's reign, chapter fourteen, shall not include a servant who, being bonâ fide employed in any capacity other than the capacities specified or referred to in provision numbered three of section nineteen of the said Act, is occasionally or partially employed in any of the said capacities so specified or referred to, and shall not include a person who has been bonâ fide engaged to serve his employer for a portion only of each day and does not reside in his employer's house.

PART II.

Income Tax.

Grant of duties of income tax.

6. There shall be charged, collected, and paid for the year commencing on the *sixth day of April one thousand eight hundred and seventy-six*, in respect of all property, profits, and gains mentioned or described as chargeable in the Act of the sixteenth and seventeenth years of Her Majesty's reign, chapter thirty-four, the following duties of income tax; (that is to say),

For every twenty shillings of the annual value or amount of property, profits, and gains chargeable under Schedules (A.), (C.), (D.), or (E.) of the said Act, the duty of *threepence:*

And for every twenty shillings of the annual value of the occupation of lands, tenements, hereditaments, and heritages chargeable under Schedule (B.) of the said Act:

In England, the duty of *one penny halfpenny:*

In Scotland and Ireland respectively, *the duty of one penny farthing.*

Provisions of Income Tax Acts to apply to duties hereby granted.

7. All such provisions contained in any Act relating to income tax as were in force on the fifth day of April one thousand eight hundred and seventy-six, and are not repealed by this Act, shall have full force and effect with respect to the duties of income tax granted by this Act so far as the same shall be consistent with the provisions of this Act; and for the purposes of this Act the year one thousand eight hundred and sixty-two, mentioned in the forty-third section of the Act of the twenty-fifth and twenty-sixth years of Her Majesty's reign, chapter twenty-two, shall be read as and deemed to mean the year one thousand eight hundred and seventy-six.

Exemption where income is under 150*l.*, and abatement where income is under 400*l.*

8. The exemption granted by the Act of the fifth and sixth years of Her Majesty's reign, chapter thirty-five, to persons whose respective incomes are less than one hundred and fifty pounds a year is hereby restored, and in lieu of the relief granted by section twelve of "The Customs and Inland Revenue Act, 1872," to a person whose income, although amounting to one hundred pounds or upwards, is less than three hundred pounds, the following relief or abatement shall be given or made to a person whose income is less than four hundred pounds, that is to say, any person who shall be assessed or charged to any of the duties of income tax granted by this Act, or who shall have paid the same either by deduction or otherwise, and who shall claim and prove in the manner prescribed by the Acts relating to income tax that his total income from all sources, although amounting to one hundred and fifty pounds or upwards, is less than four hundred pounds, shall be entitled to be relieved from so much of the said duties assessed upon or paid by him as an assessment or charge of the said duties upon one hundred and twenty pounds of his income would amount unto, and the relief shall be given either by reduction or abatement of the assessment upon such person, or by the repayment to him of so much of the excess as he shall have paid, or by both of those means, as the case may require.

Certain offices to continue chargeable

9. The offices and employments of profit for which Commissioners are appointed and act under the provisions of sections twenty-four, twenty-seven, twenty-eight, thirty, thirty-one, and

A.D. 1876.

under Schedule E. and other offices transferred to Schedule D.

thirty-four respectively of the said Act of the fifth and sixth years of Her Majesty's reign, chapter thirty-five, or of section eleven of the said Act of the sixteenth and seventeenth years of Her Majesty's reign, chapter thirty-four, shall be deemed public offices and employments of profit, and shall be charged under Schedule E., and all other offices and employments of profit shall be charged under Schedule D. according to the rules applicable to Case II. in section one hundred of the said Act of the fifth and sixth years of Her Majesty's reign, chapter thirty-five.

Repeal of enactments in schedule.

10. The enactments relating to income tax specified in the schedule to this Act are hereby repealed.

Provisions of Income Tax Acts to apply to duties to be granted for succeeding year.

11. In order to insure the collection in due time of any duties of income tax which may be granted for the year commencing on the sixth day of April one thousand eight hundred and seventy-seven, all such provisions contained in any Act relating to the duties of income tax as are in force on the fifth day of April one thousand eight hundred and seventy-seven shall have full force and effect, with respect to the duties of income tax which may be so granted, in the same manner as if the said duties had been actually granted and the said provisions had been applied thereto by an Act of Parliament passed on that day: Provided, that nothing in this section shall be deemed to render necessary or authorise the appointment of assessors for such of the said duties as may be payable under Schedules (A.) and (B.) of the said Act of the sixteenth and seventeenth years of Her Majesty's reign, chapter thirty-four, or to continue the rates of income tax granted by this Act.

PART III.

Stamps.

Instruments increasing rent to be chargeable with stamp duty as leases at the additional rent.

12. An instrument whereby the rent reserved by any other instrument chargeable with stamp duty as a lease or tack and duly stamped accordingly is increased, shall not be chargeable with stamp duty otherwise than as a lease or tack in consideration of the additional rent thereby made payable.

PART IV.

Land Tax.

Repeal of duties of 1*s.* and of 6*d.* on

13. Whereas it is expedient that the duties of one shilling and of sixpence now payable on certain offices and employments of profit and annuities, pensions, and stipends, and also the duties on

offices and pensions now assessed by the Commissioners of Land Tax should cease and determine: Be it enacted that the Acts and parts of Acts relating to the said duties respectively which are specified in the schedule to this Act are hereby repealed, save as to any arrears of the said duties or any of them for any year.

certain offices, &c., and of land tax duties on offices and pensions.

SCHEDULE

Containing the Enactments relating to Income Tax repealed by this Act.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
5 & 6 Vict. c. 35. -	An Act for granting to Her Majesty duties on profits arising from property, professions, trades, and offices, &c. &c.	Section 32.
23 & 24 Vict. c. 14.	An Act for granting to Her Majesty duties on profits arising from property, professions, trades, and offices.	Section 6.
35 & 36 Vict. c. 20.	The Customs and Inland Revenue Act, 1872 -	Part IV.
38 & 39 Vict. c. 23.	The Customs and Inland Revenue Act, 1875 -	Section 6.

The Acts and parts of Acts relating to duties on Offices and Pensions, &c. repealed by this Act.

Session and Chapter.	Title or abbreviated Title.	Extent of Repeal.
7 Geo. 1. Stat. 1. c. 27.	An Act for raising a sum not exceeding five hundred thousand pounds, &c.	Section 19.
49 Geo. 3. c. 32. -	An Act for continuing and making perpetual several duties of one shilling and sixpence, &c.	The whole Act.
6 Geo. 4. c. 9. -	An Act for continuing to His Majesty for one year certain duties on personal estates, offices, and pensions in England, &c.	Sections 3, 15 to 18, both inclusive, 20 and 21.
6 & 7 Will. 4. c. 97.	An Act for continuing and making perpetual the duty on certain offices and pensions.	The whole Act.

Customs and Inland Revenue.

A

B I L L

To grant and alter certain Duties of Customs and Inland Revenue, and to amend the Laws relating to Customs and Inland Revenue.

(Prepared and brought in by
Mr. Raikes, Mr. Chancellor of the Exchequer,
and Mr. William Henry Smith.)

Ordered, by The House of Commons, *to be Printed,*
7 *April* 1876.

[Bill 124.]

Under 1 *oz.*

A

B I L L

FOR

Consolidating the Duties of Customs.

A.D. 1876.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Instead of all other duties and drawbacks of customs, those in tables annexed to be paid and allowed.

1. In lieu and instead of all other duties of customs and drawbacks there shall, on and after the passing of this Act, be raised, levied, collected, and paid unto Her Majesty, her heirs and successors, upon goods imported into and exported from any part of Great Britain or Ireland, the several duties of customs, and there shall be allowed the several drawbacks, as the same are respectively inserted, described, and set forth in the table of duties of customs to this Act annexed, and in the Act next herein-after referred to; and notwithstanding that the several duties of customs imposed upon tobacco by an Act of the twenty-sixth year of Her Majesty's reign, chapter seven, are included and repeated in the said table, all the enactments and provisions contained in the said recited Act, and now in force, shall remain in as full force as if the said duties had not been so included and repeated in the said table; and all other provisions contained in the Customs Acts, and in force at the time of the passing of this Act, shall, so far as the same are applicable, have full force and effect with respect to the said duties and drawbacks granted and allowed by this Act.

A distinctive mark to be placed on plate imported from foreign parts when assayed.

2. All gold and silver plate which shall be imported from foreign parts, and which shall be sent to any assay office in the United Kingdom at which gold and silver plate is now or shall at any time hereafter be by law required to be assayed, and which when so sent shall be then assayed, tested, stamped, and marked, shall, in addition to the marks for the time being used at such assay office for the purpose of marking British plate, be marked with the further mark

A.D. 1876.

of the letter F on an oval escutcheon, in order to denote that such gold or silver plate was imported from foreign parts, and was not wrought or made in England, Scotland, or Ireland; and the warders and officers in such and every such assay office, and the persons employed by them, shall have power to impress and mark, and shall impress and mark, such further and additional mark before such plate shall be delivered out from such assay office.

Foreign and British unsweetened spirits and rum may be methylated in customs warehouse.

3. The Commissioners of Customs may permit and authorise any licensed rectifier of spirits, or any person who shall be duly licensed under an Act passed in the eighteenth and nineteenth years of Her Majesty's reign, chapter thirty-eight, to mix in the customs warehouse, and under such conditions and regulations as the said Commissioners shall direct, foreign or British unsweetened spirits of not less degree of strength than forty-three per cent. over proof, or rum of not less than twenty per cent. over proof, and in a quantity not less at one time than one hundred gallons of such foreign or British spirits, nor of rum less than the contents of the whole cask in which the same shall have been imported, with not less in either case than one ninth of its bulk measure of wood naphtha or methylic alcohol, or with such other article or substance as in the said recited Act is mentioned; and thereupon such mixture shall be allowed for use for such purposes and in such manner as is allowed by the said recited Act, or any Act amending the same, with regard to methylated spirit; provided that no such foreign spirit or rum shall be so mixed as aforesaid until payment shall have been made to the said Commissioners of Customs of the difference between the duty of customs chargeable on the importation of such spirits or rum respectively and the duty of excise chargeable on spirits distilled in the United Kingdom, and the same shall be charged and paid thereon accordingly.

Wood naphtha, &c. to be inspected by officer before mixing, &c.

4. All wood naphtha or methylic alcohol or other such article or substance as aforesaid to be mixed with such spirits shall, before the mixing thereof, be examined by and subject to the approval of an officer of customs appointed in that behalf; and it shall be lawful for the Commissioners of Customs, if they shall think fit, to provide the wood naphtha, methylic alcohol, or other such article or substance as aforesaid, for and at the expense of the person proposing to make such mixture.

Methylated spirit may be exported.

5. It shall be lawful to export any methylated spirit mixed under the provisions of this Act or of the said first-recited Act,

under such regulations as the Commissioners of Customs shall make in that behalf.

Provisions of 18 & 19 Vict. c. 38. and 24 & 25 Vict. c. 91. applied to spirits mixed under this Act.

6. All the powers, provisions, clauses, regulations, forfeitures, pains, and penalties contained in the said recited Act, and in the Act passed in the twenty-fourth and twenty-fifth years of Her Majesty's reign, chapter ninety-one, in relation to methylated spirit, shall be applied and put in force with respect to all spirits mixed under the provisions of this Act.

Commencement and title of Act.

7. This Act shall commence from the time of the passing thereof, except as otherwise provided; and in citing it in other Acts of Parliament and in legal instruments it shall be sufficient to use the expression "The Customs Tariff Act, 1876."

A.D. 1876.

SCHEDULE.

TABLE OF DUTIES OF CUSTOMS.

	£	s.	d.
Beer and ale, viz.:			
Mum, the barrel of 36 gallons	1	1	0
Spruce, the worts of which were, before fermentation, of a specific gravity not exceeding one thousand one hundred and ninety degrees, the barrel of 36 gallons	1	1	0
Exceeding one thousand one hundred and ninety degrees, the barrel of 36 gallons	1	4	0
Of other sorts, viz.:			
Beer, the worts of which were, before fermentation, of a specific gravity not exceeding one thousand and sixty-five degrees, the barrel of 36 gallons	0	8	0
Exceeding one thousand and sixty-five degrees and not exceeding one thousand and ninety degrees, the barrel of allons	0	11	0
Exceeding one thousand and ninety degrees, the barrel of 36 gallons	0	16	0
And in charging the above rates of duty upon the importation of beer, the specific gravity of the worts from which the same was made shall be ascertained and determined in the manner prescribed by the sixteenth section of the Act of the nineteenth and twentieth Victoria, chapter thirty-four, for ascertaining and determining the rates of drawbacks on the exportation of beer.			
Cards, playing, the dozen packs	0	3	9
Chicory, or any other vegetable matter applicable to the uses of chicory or coffee:—			
Raw, or kiln dried - the cwt.	0	13	3
Roasted or ground - the lb.	0	0	2
Chloroform - the lb.	0	3	0
Chloral hydrate - the lb.	0	1	3
Cocoa - the lb.	0	0	1
Husks and shells - the cwt.	0	2	0
Paste or chocolate - the lb.	0	0	2
Coffee - the cwt.	0	14	0
Kiln dried, roasted, or ground - the lb.	0	0	2
A drawback shall be allowed on all roasted coffee exported as ships stores, equal in amount to the import duty on raw coffee.			
Collodion - the gallon	1	4	0
Currants - the cwt.	0	7	0
Essence of spruce - for every 100*l.* value	10	0	0
Ether, sulphuric - the gallon	1	5	0
Ethyl, iodide of - the gallon	0	13	0
Figs - the cwt.	0	7	0

A.D. 1876.

		£	s.	d.
Fig cake - - - - - -	the cwt.	0	7	0
Malt, not being essences and extracts thereof -	the quarter	1	4	0
Naphtha, or methylic alcohol purified. *See* Spirits.				
Plate, viz.:				
of gold - - - - -	the ounce troy	0	17	0
of silver, gilt or ungilt - - -	the ounce troy	0	1	6
Plums, commonly called French plums and prunellves -	the cwt.	0	7	0
Dried or preserved (except in sugar) not otherwise described	the cwt.	0	7	0
Prunes - - - - -	the cwt.	0	7	0
Raisins - - - - - -	the cwt.	0	7	0
Spirits or strong waters, not being sweetened or mixed with any article so that the degree of strength thereof cannot be ascertained by Sykes' hydrometer, for every gallon of the strength of proof by such hydrometer, and so in proportion for any greater or less strength than the strength of proof, and for any greater or less quantity than a gallon, viz.:				
Brandy - - - - -	the gallon	0	10	5
Geneva - - - - - -	the gallon	0	10	5
Naphtha or methylic alcohol purified - -	the gallon	0	10	5
Rum of and from any foreign country being the country of its production - - - - -	the gallon	0	10	2
Rum from any country not being the country of its production	the gallon	0	10	5
Tafia of and from any colony of France - -	the gallon	0	10	2
Rum and spirits of and from any British possession	the gallon	0	10	2
Unenumerated - - - - -	the gallon	0	10	5
Other spirits, being sweetened or mixed so that the degree of strength cannot be ascertained as aforesaid, viz.:				
Rum shrub, liqueurs and cordials of and from any British possession - - - - -	the gallon	0	10	2
Perfumed spirits and Cologne water - -	the gallon	0	16	6
Unenumerated - - - -	the gallon	0	14	0
Varnish, containing any quantity of alcohol or spirit	the gallon	0	12	0
Spirits or strong waters imported into the United Kingdom mixed with any ingredient, and although thereby coming under some other designation except varnish, shall nevertheless be deemed to be spirits or strong waters, and be subject to duty as such.				
Tea, until the 1st day of August 1877 - -	the lb.	0	0	6
Tobacco, manufactured, viz.:				
Segars - - - - - -	the lb.	0	5	0
Cavendish or Negrohead - - - -	the lb.	0	4	6
Snuff, containing more than 13 lbs. of moisture in every 100 lbs. weight thereof - - - - -	the lb.	0	3	9
Snuff, not containing more than 13 lbs. of moisture in every 100 lbs. weight thereof - - - -	the lb.	0	4	6
Being Cavendish or Negrohead manufactured in bond -	the lb.	0	4	0
Other manufactured tobacco - - -	the lb.	0	4	0

A.D. 1876.

	£	s.	d.
Tobacco, unmanufactured, viz.:			
Containing 10 lbs. or more of moisture in every 100 lbs. weight thereof - - - - - - the lb.	0	3	0
(with 5 per cent. thereon).			
Containing less than 10 lbs. of moisture in every 100 lbs. weight thereof - - - - - the lb.	0	3	6

Provided that no tobacco packed and prized shall, on the importation thereof, be examined as to the quantity of moisture contained therein except by special order of the Commissioners of Customs, and unmanufactured tobacco on the entry thereof be distinguished as stemmed or unstemmed as the case may be.

Varnish. *See* Spirits.			
Vinegar - - - - - - the gallon	0	0	3
Pickles, preserved in - - - - „	0	0	1

Wine, viz.:

	Containing less than the following rates of Proof Spirit verified by Sykes' Hydrometer, viz.: 26 Degrees.			42 Degrees.		
Red wine, the gallon - - -	0	1	0	0	2	6
White wine, „ - - -	0	1	0	0	2	6
Lees of such wine - - -	0	1	0	0	2	6

And for every degree of strength beyond the highest above specified, an additional duty of *threepence* per gallon. Ten per cent. of proof spirit may be used in the fortifying of any wine in bond, provided that the wine so fortified be not thereby raised to a greater degree of strength than forty per cent. of such proof spirit, if for home consumption.

Goods not prohibited to be imported into or used in Great Britain or Ireland, composed of any article liable to duty as a part or ingredient thereof, shall be chargeable with the full duty payable on such article, or if composed of more than one article liable to duty, then with the full duty payable on the article charged with the highest rate of duty.

Upon the importation into Great Britain and Ireland of any articles in the manufacture of which spirit is used, there shall be charged in respect of such quantity of spirit as shall appear to the satisfaction of the Treasury to be used in the manufacture of such articles, a duty equivalent to that which would be chargeable on the like quantity of spirit on its importation into the United Kingdom.

There shall be charged upon the delivery of the following goods from any warehouse for home consumption, in addition to the duties of customs and any other charges thereon, for every one hundred pounds of such duties of customs payable thereon, the rates following; that is to say,

	£	s.	d.
In respect of tobacco - - - -	0	2	6
In respect of other goods - - -	0	5	0

whether such tobacco or other goods shall have been removed to such warehouse under bond or not.

All goods derelict, jetsam, flotsam, and wreck brought or coming into the United Kingdom, and all droits of Admiralty sold in the United Kingdom, shall be subject and charged with the same duties as are chargeable on the like kinds of goods on importation into the United Kingdom.

Customs Duties Consolidation.

A

BILL

For consolidating the Duties of Customs.

(*Prepared and brought in by Mr. Raikes, Mr. William Henry Smith, and Mr. Chancellor of the Exchequer.*)

Ordered, by The House of Commons, *to be Printed,* 9 *June* 1876.

[Bill 188.]

Under 1 oz.

Customs Laws Consolidation Bill.

CONTENTS.

I.—Management.

		Page.
1.	Appointment of Commissioners, &c.	1
2.	Appointment of ports	4
3.	Collecting of duties	6
4.	Disputes between importer and officer	11
5.	Complaints, &c.	12

II.—Importation and Warehousing.

1.	Importation, prohibition, &c.	14
2.	Report, &c.	19
3.	Entry of dutiable goods	21
4.	Entry of goods warehoused	21
5.	Entry of goods by bill of sight	22
6.	Entry of British goods returned	23
7.	Entry of free goods	24
8.	Entries generally	24
9.	Entry, time for	26
10.	Unshipping, landing, and examination	27
11.	Removal	30
12.	Entry for home consumption and exportation	34

III.—Exportation.

1.	Entry of goods and ship	35
2.	Entry and clearance of goods	36
3.	Payment of drawback	40
4.	Shipping of stores	43
5.	Clearance of ship	44
6.	Boarding of ships	45

IV.—Coasting Trade - - - - 47

V.—British Possessions - - - - 50

Page.

VI.—BONDS AND OTHER SECURITIES - - 56
VII.—FALSE DECLARATIONS - - - 58
VIII.—SMUGGLING - - - - - 59
1. Restrictions on small craft - - - - 59
2. Offences - - - - - 60
3. Compensations and rewards - - - - 72
4. Collusive seizures - - - - - 73

IX.—LEGAL PROCEEDINGS GENERALLY.

1. Procedure for penalties - - - - 74
2. Informations, convictions, &c. - - - 75
3. Removal of proceedings - - - - 82
4. Justices clerks fees - - - - 83
5. Superior Courts - - - - - 83
6. Prosecutions, &c. - - - - 86
7. Proofs in proceedings - - - - 86
8. Entry of appearances - - - - 88
9. Actions against officers - - - - 89

X.—ACQUISITIONS OF LANDS, &c. - - 91
1. Application of purchase money for lands, &c. - - 91

XI.—ISLE OF MAN - - - - 92
XII.—MISCELLANEOUS MATTERS - - - 94

SCHEDULES.

A. Acts repealed - - - - - 98
B. Forms and report entry, &c. - - - - 99
C. Forms of informations - - - - 106
Table of justices clerks fees - - - - 112

A

B I L L

TO

Consolidate the Customs Laws. A.D. 1876.

WHEREAS it is expedient that the several Acts now in force for the management and regulation of Customs should be consolidated into one Act:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

MANAGEMENT.

As to the appointment of Commissioners of Customs, &c.

Appointment of officers, ports, &c.

1. It shall be lawful for Her Majesty from time to time to appoint, under the Great Seal of the United Kingdom, any number of persons not exceeding five to be Commissioners of Customs for the collection and management of the Customs of the United Kingdom and of Her Majesty's possessions abroad, and each of such Commissioners when so appointed shall have and hold his office during Her Majesty's pleasure.

Board of Customs appointed by Her Majesty not to exceed five.

2. The Commissioners so appointed shall, in all matters and things relating to the execution of their duties, be subject to the authority, directions, and control of the Commissioners of the Treasury, and shall obey such orders and instructions as shall from time to time be issued to them by the Commissioners of the Treasury.

Commissioners subject to the control of the Treasury.

3. The Commissioners of the Treasury, or, under their authority, the Commissioners of Customs, may appoint proper persons for the management and collection of the Customs, and the performance of all duties connected therewith, under the control and direction of the Commissioners of Customs, and grant to such persons such salaries and allowances, and permit them to receive such emoluments for executing the duties of their respective offices, as they may deem fit, and require of such persons such securities for their good conduct as the Commissioners of Customs shall deem

Appointment of officers.

Salaries and securities.

A.D. 1876.

MANAGEMENT.

necessary; and such persons shall hold their offices during the pleasure of the Commissioners of the Treasury or of the Commissioners of Customs; and any person so appointed, and holding a deputation or commission, shall deliver up the same to the Commissioners of Customs, or otherwise account for the same to their satisfaction, within one week after he shall cease to hold such office or employment, and in default thereof such person may, on conviction before any justice of the peace, be imprisoned in any gaol until he shall deliver up such deputation or commission or account for the same to the satisfaction of the Commissioners of Customs; and all salaries and allowances granted to any officer or other person in the service of the Customs shall be paid without any deduction on account of any duties imposed by any Act of Parliament, unless expressly charged thereon; and when any sum of money shall have been or shall be granted annually or otherwise to any person who has been employed in the service of the Customs as a superannuation allowance upon the retirement of such person from such service, or as a compensation for past services, it shall not be lawful for the grantee of such allowance or compensation to assign or dispose of the same to any person or persons whomsoever, and any such assignment or disposition shall be void to all intents and purposes, and shall not be enforced in any court of law or equity: Provided that if any officer in the receipt of any salary or allowance shall, by reason of insanity, be placed in any asylum, the Commissioners of Customs may advance and pay out of the salary or allowance accruing due to him such portion thereof as they may see fit for or towards the cost of his maintenance in such asylum.

Retiring officer to deliver up commission.

Salaries, &c. not subject to duties.

Superannuation allowances not assignable.

Persons employed on service of the Customs to be deemed officers for such service.

4. Every person employed on any duty or service relating to the Customs, trade, or navigation, either in the United Kingdom, the Channel Islands, or any of Her Majesty's possessions abroad, by the orders or with the concurrence of the Commissioners of Customs (whether previously or subsequently expressed), shall be deemed to be the officer for that duty or service; and every act required by law at any time to be done by or with any particular officer nominated for such purpose, if done by or with any person appointed by the Commissioners of Customs to act for such particular officer, shall be deemed to be done by or with such particular officer; and every act required by law to be done at any particular place within any port, if done at any place within such port appointed by the Commissioners of Customs for such purpose, shall be deemed to be done at the particular place so required by law.

A.D. 1876.

MANAGEMENT.

Officers taking fee or reward not authorised by law, to be dismissed.

5. If any officer, clerk, or any other person acting in any office or employment in or belonging to the Customs shall accept any fee, perquisite, or reward, whether pecuniary or otherwise, directly or indirectly, from any person (not being a person appointed to some office in the Customs) on account of anything done or omitted to be done by him in or in any way relating to his said office or employment, except such as he shall receive under permission of the Commissioners of the Treasury or Customs, such officer, clerk, or other person so offending shall, on proof thereof to the satisfaction of the Commissioners of Customs, be dismissed from his office.

Declaration on admission to office.

6. Every person who shall be appointed to any permanent office or employment in the Customs under the control and direction of the Commissioners of Customs shall, on his admission thereto, if required by them, make the following declaration:

'I, *A.B.*, do declare, that I will be true and faithful in the 'execution, to the best of my knowledge and power, of the trust 'committed to my charge and inspection in the service of Her 'Majesty's Customs; and that I will not require, take, or receive 'any fee, perquisite, gratuity, or reward, whether pecuniary or of 'any sort or description whatever, either directly or indirectly, for 'any service, act, duty, matter, or thing done or performed, or to 'be done or performed, in the execution or discharge of any of the 'duties of my office or employment, on any account whatever, 'other than my salary and what is or shall be allowed me by law 'or by any special order of the Commissioners of Her Majesty's 'Treasury or the Commissioners of Her Majesty's Customs for the 'time being.'

Hours of attendance, and division of duties in those hours.

7. The Commissioners of the Treasury may, by their warrant, from time to time appoint the hours of general attendance of the Commissioners and officers of Customs, and of other persons in the Customs service, at their proper offices and places of employment; and the Commissioners of Customs may appoint the times during such hours at which any particular parts of the duties of any such officers and other persons shall be performed.

Holidays.

8. No day shall be kept as a public holiday by the Customs, except every Christmas Day and Good Friday, and such other days as are or may be appointed to be kept as such by Her Majesty's proclamation or by Act of Parliament, and, so far as regards Scotland, such days as shall be appointed to be so kept by authority of the General Assembly, and also such days as may be appointed for the celebration of the birthdays of Her Majesty and of her successors, and such days shall be kept as public holidays by the

A.D. 1876.

MANAGEMENT.

officers and servants of the dock companies in England and Ireland, as required by the Holidays Extension Act, 1875.

Officers of Customs not to serve in public offices.

9. No Commissioner, officer, clerk, or other person acting in the management or service of the Customs shall be compelled to serve in the militia, or on any jury or inquest, or to assume the office of a mayor or sheriff, or to act in any corporate, parochial, or other public office, and section twelve of "The Juries Act, 1870," shall not apply to persons hereby exempted; nor shall any soldiers or militia be billeted on any such Commissioner, officer, or other person as aforesaid.

Soldiers not to be billeted on officers of Customs.

What shall be deemed orders, &c. of Commis- of Customs.

10. Every order, document, or instrument required by law to be under the hands of the Commissioners of Customs, but not required to be signed by two or more of them, being attested by the signature of any one of such Commissioners, and every order, document, or instrument required by any law to be under the hands or under the hands and seals of the Commissioners of Customs, being attested by the hands or the hands and seals of two or more of such Commissioners, shall be deemed to be an order, document, or instrument under the hands, or under the hands and seals, as the case may be, of the Commissioners of Customs.

Appointment of ports, &c.

As to the appointment of ports, quays, warehouses, sufferance wharves, landing and boarding stations.

Treasury may appoint ports and quays, and alter or vary the limits.

11. The Commissioners of the Treasury may, by their warrant, appoint any port, sub-port, haven, or creek in the United Kingdom or in the Channel Islands, and declare the limits thereof, and appoint proper places within the same to be legal quays for the lading and unlading of goods, and declare the bounds and extent of any such quays, and annul the limits of any port, sub-port, haven, creek, or legal quay already appointed or to be hereafter set out and appointed, and declare the same to be no longer a port, sub-port, haven, creek, or legal quay, or alter or vary the names, bounds, and limits thereof: Provided always, that when by any such warrant the pre-existing limits of any port, sub-port, haven, creek, or legal quay shall be altered or varied, the same shall not affect or abridge any lawful rights or privileges co-extensive with such pre-existing limits (irrespective of matters relating to Her Majesty's Customs) granted to any person or body of persons by any Act of Parliament, grant, or other legal instrument, but they shall be deemed to be and remain the same for the purposes of such Act, grant, or other legal instrument as if no such alteration or variation had been made: Provided that any port so appointed by

Alterations or variations in limits not to affect rights (irrespective of Customs) co-extensive with pre-existing limits.

Ports so appointed by Treasury

MANAGEMENT.

warrant as aforesaid shall, to the whole extent of the limits thereof, be deemed to be a port within the meaning and for the purposes of the Act of fifty-four George the Third, chapter one hundred and fifty-nine, and of any other public Act for the protection of the ports, harbours, shores, and navigable rivers of the United Kingdom or any part thereof.

Warrant to be deemed ports for the purposes of 54 Geo. 3. c. 159.

12. The Commissioners of the Treasury may, by their warrant, from time to time appoint the ports and inland bonding places in the United Kingdom which shall be warehousing ports or places for the purposes of the Customs Acts, in addition to those already appointed; and, subject to their directions, the Commissioners of Customs may by their order from time to time approve and appoint warehouses or places of security in such ports or places, and direct in what different parts or divisions of such warehouses or places, and in what manner, any goods and what sort of goods may, and may only, be warehoused, kept, and secured without payment of duty upon the first entry thereof or for exportation only, in cases where the same may be prohibited to be imported for home use; and the Commissioners of Customs may also fix the amount of rent which shall be payable in respect of any goods deposited or secured in any of the Queen's warehouses; and all such sums shall be paid, received, and appropriated as moneys not duties of Customs.

Treasury may appoint warehousing ports or places, and warehouses, &c.

Rent in warehouses.

13. The proprietor or occupier of every warehouse so approved (except existing warehouses of special security, in respect of which security by bond has hitherto been dispensed with), or some one on his behalf, shall, before any goods shall be warehoused therein, give or procure to be given security by bond, or such other security as the Commissioners of the Treasury or Customs may approve, for the payment of the full duties chargeable on any goods which shall at any time be warehoused in any warehouse duly approved by them for that purpose, or for the due exportation thereof.

Warehouse-keeper to give general security.

14. The Commissioners of Customs may from time to time, by order under their hands, appoint in the United Kingdom or the Channel Islands stations or places for ships arriving at or departing from any port or place to bring to for the boarding or landing of officers of the Customs, and may also appoint places to be sufferance wharves for the lading and unlading of goods, in such cases, under such restrictions, and in such manner as they shall see fit; and may also direct at what particular part or parts of any harbour, dock, quay, or other place in any such port ships laden with tobacco or any particular cargo shall moor or discharge such cargo; and the Commissioners of Customs, or the collector or other

Commissioners may appoint stations and sufferance wharves, &c.

and regulate discharge of cargo and boarding of officers.

A.D. 1876.

MANAGEMENT.

proper officer of any such port, may station officers on board any ship while within the limits of any port.

Power to revoke or alter former warrant or orders.

15. The Commissioners of the Treasury and the Commissioners of Customs may from time to time revoke or alter any such warrant or order made by them respectively.

Commissioners may order in what ports goods may be carried or water-borne by authorised persons.

16. The Commissioners of Customs may order and direct in what ports or places in the United Kingdom goods cleared for drawback or from the warehouse shall be carried or water-borne to be put on board any ship for exportation, and goods carried or water-borne from any importing ship to, or to be landed at, any wharf, quay, or other place, and such goods shall be so carried or water-borne only by persons authorised for that purpose by license under the hands of the Commissioners of Customs, who may revoke any such orders or directions, or make others in lieu thereof, when and as they may deem expedient; and may grant such licenses in such form and manner and to such persons as they may deem proper, and may revoke the same when and as they shall think fit; and before granting any such license may require such security, by bond or otherwise, for the faithful and incorrupt conduct of such person, as they shall deem necessary.

Commissioners may require security.

Collection of duties, &c.

As to the collection and management of duties of Customs, drawbacks, and allowances.

Duties, drawbacks, &c. to be under the management of the Commissioners of Customs.

17. All duties of Customs or other duties, rates, and charges under the management, collection, or control of the Commissioners of Customs, and all drawbacks and allowances now imposed and allowed, or which may hereafter be imposed or allowed by law, shall be under the management of the Commissioners of Customs for the time being, and shall be ascertained, raised, levied, collected, paid, recovered, allowed, and applied or appropriated under the provisions of the laws for the time being in force relating thereto;

Duties and drawbacks to be in British currency, and according to imperial weight and measure.

and all duties, rates, charges, and drawbacks imposed and allowed according to any specified quantity or any specified value shall be deemed to apply in the same proportion to any greater or less quantity or value, and shall be paid and received in every part of the United Kingdom in British currency, and according to imperial weights and measures.

When new duties of Customs are imposed former ones to continue until

18. In all cases where any new duties of Customs or other duties, rates, or charges under the management, collection, or control of the Commissioners of Customs are or may be imposed by any Act of Parliament, or by any resolution of the House of

MANAGEMENT.

Commons, in lieu of any duties payable at the time of the passing of such Act, such former duties shall be and continue payable until such new duties imposed in lieu thereof shall become chargeable, save and except in cases where the Act or resolution imposing such new duties shall otherwise provide; and all moneys arising from any duties of Customs, rates, or charges, or any arrears thereof, payable on account of any goods whatever imported into or exported from the United Kingdom under any former Act, although computed under such former Act, and whether secured by bond or otherwise, shall be levied, paid, and appropriated in the same manner as if the same had been made payable by this or any other Act in force for the time being; and all drawbacks or allowances payable under any former Act shall be paid or allowed under this or such other Act as may be in force for the time being.

the new become chargeable, except in certain cases.

Duties due before the passing of this Act, to be levied as if payable by by this Act.

19. All goods deposited in any warehouse or place of security under any Act for the warehousing of goods, without payment of duty upon the first importation thereof, or which may be imported and on board any ship, shall, upon being entered for home consumption, be subject to such and the like duties as may at the time of passing such entry be due and payable on the like sort of goods under any Customs Acts in force at the time of passing such entry, save and except in cases where special provision shall be made by such Act to the contrary.

Goods in warehouse, when entered for home consumption, to be chargeable with existing duties on like sort of goods.

20. In the event of any increase, decrease, or repeal of duties of Customs chargeable upon any goods or commodities after the making of any contract or agreement for the sale or delivery of such goods duty-paid, it shall be lawful for the seller, in case such increase shall accrue before the clearance and delivery from the warehouse of such goods at such increased duty, and after payment thereof, to add so much money to the contract price as will be equivalent to such increase of duty, and he shall be entitled to be paid and to sue for and recover the same; and it shall be lawful for the purchaser under any such contract or agreement, in case such decrease or repeal shall take effect before the clearance and delivery from the warehouse at such decreased duty, or free of duty, as the case may be, to deduct so much money from the contract price as will be equivalent to such decrease of duty or repealed duty, and he shall not be liable to pay or be sued for or in respect of such deduction.

When contracts have been entered into, amount of increased or decreased duty to be added or deducted.

21. All money, bills, notes, and drafts received on account of the revenue of Customs in Great Britain, and all other money

All moneys, &c. received by or for the

A.D. 1876.

MANAGEMENT.

arising by the duties of Customs in Great Britain, shall from time to time be paid into the hands of the Governor and Company of the Bank of England, and shall be placed to an account to be raised in the books of the said company, intituled "The General Account of the Commissioners of Customs;" and all money arising from the duties of Customs in Ireland shall be paid into the receipt of Her Majesty's Exchequer.

Commissioners of Customs to be paid into the Bank of England.

22. The Commissioners of the Treasury may from time to time establish such rules and regulations as they may think necessary for keeping the accounts of the Commissioners of Customs with the Governor and Company of the Bank of England, and of the Governor and Company of the Bank of England in relation thereto, and also for payment and appropriation of the money arising from the duties of Customs, and so brought to account for Her Majesty's service, and from time to time alter or revoke such rules and regulations, and make others in lieu thereof; and the rules and regulations now in force shall remain and continue to be acted upon until the same shall be so altered or revoked, or others established by the said Commissioners of the Treasury in lieu thereof; and the said Commissioners of Customs, observing the rules and regulations so prescribed, shall not be answerable for any money, bills, notes, or drafts which shall have been so paid into the Bank of England; and the Governor and Company of the Bank of England shall be answerable for all the money, bills, notes, and drafts which shall be actually received by them on account of the said Commissioners of Customs.

The Treasury may make rules for keeping the accounts of the revenue of the Customs, and for appropriation thereof.

Responsibility for money, &c.

23. The Governor and Company of the Bank of England, or some person duly authorised in that behalf, shall daily, upon receiving any money, bills, notes, and drafts from or on account of the said Commissioners of Customs, make an entry of the money, bills, notes, and drafts so received in a book to be provided by the Governor and Company of the Bank of England, which book shall be forthwith redelivered to the persons making the payments for the Customs, for which money, bills, notes, and drafts the entry in the book herein-before mentioned shall be a sufficient discharge; and such book shall be inspected daily after its return by the Accountant and Comptroller General of the Customs, or his clerk (such clerk being first duly authorised by him, and for whose conduct he shall be answerable), who shall satisfy himself that all money, bills, notes, and drafts received by or on account of the said Commissioners have been duly paid into the Bank under the provisions of this Act; and any default which such Accountant and Comptroller General or his clerk may discover in that behalf

Bank to keep an account, to be returned to the Customs, for inspection by the Accountant and Comptroller General.

Any default to be reported to the Commissioners of Customs.

shall be immediately reported by him to the said Commissioners of Customs.

MANAGEMENT.

Bank of England not to dispose of money, &c.

24. The Governor and Company of the Bank of England shall not pay or transfer, apply, or dispose of any part of the money, notes, bills of exchange, or drafts which may be paid in and placed to the account of the said Commissioners of Customs from such account, except in accordance with the rules and regulations for the time being of the Commissioners of the Treasury, unless any such notes, bills of exchange, or drafts shall be required by the Solicitor of Customs for the purpose of taking out an extent for the security of the money for which the same shall have been given, in which case such notes, bills of exchange, or drafts, or any of them, shall be delivered to such solicitor or his clerk, on the order of the Commissioners of Customs for that purpose, and such delivery shall be entered in the book herein directed to be provided.

except for a specified purpose.

In London, debenture, &c. to be paid out of Commissioners account.

25. Every sum of money which shall be due in the port of London upon any debenture, certificate, or other instrument for the payment of any money out of the duties of Customs, shall be paid out of any money so paid into the Bank of England on account of the said Commissioners of Customs, in accordance with the rules and regulations for the time being in respect thereof, and every such payment shall be allowed by the Comptroller and Auditor General of Public Accounts in the settling or auditing of the accounts of the said Commissioners of Customs; and when any such payment shall become due at any other port in the United Kingdom, the same may be paid by the collector at such port out of any of the money in his hands arising from the duties of the Customs, under the directions of the said Commissioners of Customs; and the Commissioners of Customs are hereby authorised to return any money which shall have been overpaid as duties of Customs, at any time within six years after such overpayment, on its being proved to their satisfaction that the same was overpaid in error; but no such return shall be allowed unless the claim for the same shall have been made and established within such period of six years.

At any other port, out of moneys in collector's hands.

Limitation of time for return of duties overpaid extended to six years.

Commissioners of Customs may close accounts of collectors.

26. The Commissioners of Customs shall and may finally settle and close the accounts of any collectors or receivers of any part of the revenue of the Customs or other duties under their management, notwithstanding any erroneous appropriation of duties of Customs received by such collectors or receivers; and the said Commissioners are hereby empowered to correct any such appropriation, in order to prevent the accounts of any such collectors or receivers from

A.D. 1876.

MANAGEMENT.

being kept open; and all such corrections shall be allowed by the Comptroller and Auditor General of Public Accounts in passing the general accounts of Customs.

Customs duties, &c. payable to Exchequer account of Bank of England, to be received under such regulations as the Treasury shall prescribe.

27. All Customs duties and other public moneys payable to the Exchequer account at the Bank of England shall be received to the credit of such account by the Governor and Company of the said Bank, under such regulations and directions as the Commissioners of Her Majesty's Treasury shall from time to time prescribe; and the specifications or statements of particulars required by an Act passed in the fourth and fifth years of the reign of His late Majesty King William the Fourth, chapter fifteen, intituled "An Act to "regulate the office of the receipt of His Majesty's Exchequer at "Westminster," to be delivered to the cashier or other officer of the Bank of England by the person paying in any such money, shall be required only in such cases, and shall be signed and issued by such person, as the said Commissioners shall from time to time direct; and the acquittances for all payments made to the account of the Exchequer at the Bank of England shall be made out in such form and under such regulations as shall be prescribed by the said Commissioners; and such acquittances shall have in all respects the same force and validity in law as the acquittances heretofore given by the Comptroller of the Exchequer by virtue of the ninth section of the said recited Act of the fourth and fifth years of the reign of King William the Fourth; and the several orders, rules, and regulations which may be issued under the authority of this Act by the said Commissioners of Her Majesty's Treasury, as relating to such specifications and acquittances as aforesaid, shall be laid before both Houses of Parliament within six weeks after the issue of such orders, rules, and regulations, if Parliament shall be sitting, or if not sitting, then within six weeks next immediately after the re-assembling of Parliament.

Forgery declared felony.

28. If any person or persons shall knowingly and wilfully forge or counterfeit, or cause or procure to be forged or counterfeited, or knowingly and wilfully act or assist in forging or counterfeiting the name or handwriting of any Commissioner of Customs, or of any Accountant and Comptroller General of the Customs, or of any person acting for them respectively, to any draft, instrument, or writing whatsoever, for or in order to the receiving or obtaining any of the money in the hands or custody of the Governor and Company of the Bank of England on account of the said Commissioners of Customs, or shall forge or counterfeit, or cause or procure to be forged or counterfeited, or knowingly and wilfully

act or assist in the forging or counterfeiting, any draft, instrument, or writing in form of a draft made by such Accountant and Comptroller General or person as aforesaid, or shall utter or publish the same knowing it to be forged or counterfeited, with intent to defraud any person whomsoever, every such person or persons so offending, being thereof convicted, shall be declared and adjudged to be guilty of felony.

Certain moneys, &c. deemed within meaning of 24 & 25 Vict. c. 96.

29. Any moneys, chattels, or other valuable securities which shall or may be received by any officer, clerk, or other person in the service of the Customs, either as duties of Customs, or under or by virtue of any statute, or by the order or direction of the Commissioners of Customs, or in virtue of his office or employment, or otherwise, for the use and service of Her Majesty or of any public department, shall be deemed to be moneys, chattels, or valuable securities for the public service, and shall be considered as such within the meaning of the Act of the twenty-fourth and twenty-fifth Victoria, chapter ninety-six, and in any information, indictment, or other instrument in relation thereto, the same may be laid as the property of Her Majesty.

Disputes between importers and officers.

As to disputes between the importers and officers of Customs respecting the duties of Customs.

In case of dispute, importer to deposit the duty, &c. demanded.

30. If any dispute shall arise as to the proper rate of duty payable on any goods admissible for home consumption, the importer or consignee, or his agent, shall deposit in the hands of the collector of the Customs at the port of importation the duty demanded by such collector, which shall be deemed and taken to be the proper duty payable, unless an action or suit shall be commenced by the importer within three months after such deposit in one of Her Majesty's courts of law at Westminster, Dublin, or Edinburgh against such collector, to ascertain whether any and what duty is payable on such goods; and, on payment of such deposit, and on the passing of a proper entry for such goods by the importer, consignee, or agent, such collector shall cause delivery thereof.

On payment of such deposit, and passing entries for the goods, importer to have delivery.

Deposits to be carried to consolidated fund.

31. All such deposits shall be paid by the collector to the general account of the Commissioners of Customs, to be carried by their authority to the Consolidated Fund of the United Kingdom of Great Britain and Ireland; and in case no such action or suit shall be brought, such deposit shall be applied to the use of Her Majesty, in the same manner as if it had been originally paid and received as the duty due on such goods; and in case of such action or suit, if it shall be determined that the duty so deposited was not the

If no action brought, deposit to be retained as duties.

If action determined

A.D. 1876.

MANAGEMENT.

against the revenue, importer indemnified.

proper duty, but that a less duty was payable, the difference between the deposit and the duty found to be due, or the whole deposit, as the case may require, shall be returned to such importer, with interest thereon after the rate of *five* pounds per centum per annum for the period during which the sum so paid or returned shall have been deposited; and shall be accepted by such importer in satisfaction of all claims in respect of the importation of such goods and the duty payable thereon, and of all or any damages and expenses incident thereto.

Complaints, &c.

As to complaints, disputes, and inquiries.

Disputes and inquiries in London.

32. If in the port of London any dispute shall arise between any merchants or other persons and any officer of Customs as to the seizure or detention of any ship or goods, or as to any apparently accidental omission, inadvertency, or noncompliance with the laws and regulations relating to the Customs, the Commissioners may determine such dispute as they may deem just, and if they find that penalty or forfeiture has been incurred they may mitigate or remit the same.

Appeal to open court.

33. In case any merchant or other person who shall feel himself aggrieved by the determination of the Commissioners of Customs, or have any complaint against any officer of Customs as to anything done or omitted by him in or about the execution of his duty, the party so aggrieved or complaining shall be desirous of stating his case personally to one of the Commissioners of Customs, he may do so on application to the Board during the official hours of attendance at the Custom House, or if he prefer it, may on application in writing to the Commissioners of Customs, stating therein his grievance or complaint, have the same inquired into by one of the said Commissioners, who shall hear the matter in the presence of the parties; and of any persons interested or desirous of attending; and such Commissioner shall take any evidence on oath which may be tendered on such inquiry, reducing the same into writing in a narrative form, and shall lay the same, with his opinion thereon, before the Commissioners of Customs for their consideration; and such Commissioner shall have the same power and authority for enforcing order during such inquiry as is vested in justices of the peace in petty sessions.

Commissioner to conduct public inquiry.

Power to keep order.

Commissioners to prosecute or decide.

34. The Commissioners of Customs, upon such evidence and and opinion, shall, by order under the hands of any two of them, either decide the case, or direct a prosecution if they see fit; and such decision, in case any penalty or forfeiture shall be adjudged

thereby, shall have the same force and effect as a legal conviction for penalties by a justice of the peace; and a copy of such order shall be served upon the person adjudged to pay such penalty or forfeiture, either personally or by post, or by leaving the same at his last known place of abode or business, and in case of non-payment thereof within one week after such service, unless he shall have given notice in writing to the Commissioners of Customs or their solicitor of his refusal to abide by such order, and upon the production of such order to any justice of the peace he shall enforce the same in such manner as justices are empowered by law to enforce penalties lawfully imposed by them; but if such person shall give such notice in writing to the Commissioners of Customs or their solicitor, they may direct such proceedings thereon as they may see fit, or the party against whom such order shall have been made shall have the same remedy by action at law as if no such order had been made.

Award may be enforced.

35. In case of any such dispute at any of the outports, the like inquiry shall be held by any collector or other person deputed for that purpose by the Commissioners of Customs, in the same manner in all respects, and with the like authority for maintaining order, as herein-before provided with reference to inquiries in the port of London.

Disputes and inquiries at outports.

36. Whenever the Commissioners of Customs shall direct any inquiry as to any matter under their management, or as to the conduct of any person employed therein, such inquiries may be held by the Commissioners for the time being, or by any one or more of them, or by any person deputed by them either specially for holding any particular inquiry or generally for holding such inquiries; and if on any such inquiry the person holding the same shall require the evidence of any witness on oath, he is hereby authorised and empowered to administer such oath; and any witness so sworn who shall give false evidence on such inquiry shall be guilty of perjury, and, on conviction, be liable to the pains and penalties thereof.

Inquiries may be conducted by Commissioners, &c.

Oath may be administered.

Persons convicted of making a false oath deemed guilty of perjury.

37. Upon any such inquiry it shall be lawful for the Commissioners of Customs, or any one of them, or other person so deputed to hold the same, to summon from any part of the United Kindom any person required as a witness on such inquiry to attend on the hearing thereof, then and there to give evidence upon oath touching the matter of such inquiry, or otherwise in relation thereto; and every person so summoned, having the reasonable expenses of attendance, if required, tendered to him at the time of service of such summons, who shall neglect to appear in pur-

Power to summon witnesses.

A.D. 1876.

MANAGEMENT.

suance thereof, or who, having so appeared, shall refuse to be sworn, affirm, give evidence, or answer to the best of his knowledge any question put to him, shall forfeit the sum of five pounds, and in default of payment any justice shall, on production to him of a certificate under the hand of the Commissioner or other person holding such inquiry, that such penalty has been incurred by the party named in such certificate, commit the offender to any prison for a period not exceeding two months.

Penalty.

Regulations for conduct of inquiries.

38. The Commissioners of Customs shall from time to time make such rules and orders for the conduct of such inquiries as they may deem expedient.

IMPORTATION AND WAREHOUSING.

AS TO THE IMPORTATION, PROHIBITION, ENTRY, EXAMINATION, LANDING, AND WAREHOUSING OF GOODS.

Importation and prohibition.

39. It shall be lawful to import into the United Kingdom any goods which are not by this or any law in force at the time of importation thereof prohibited to be so imported, and to warehouse under the laws in force for the warehousing of goods, except as herein-after provided, in warehouses duly approved for the warehousing of goods, without payment of duty on the first entry thereof, any goods subject to duties of Customs the importation and warehousing whereof is not prohibited by any law in force at the time of such importation: Provided always, that the duties on such goods as the Commissioners of the Treasury may from time to time enumerate shall be paid on the first importation thereof, and such goods shall not be warehoused either for home consumption or exportation.

Time of importation of goods and time of arrival of ships defined.

40. If upon the first levying or repealing of any duty, or the first permitting or prohibiting any importation, or at any other time, or for any of the purposes of the Customs Acts, it shall become necessary to determine the precise time at which an importation of any goods shall be deemed to have had effect, such time shall be deemed to be the time at which the ship importing such goods actually came within the limits of the port at which such ship shall in due course be reported and such goods be discharged; and if any question shall arise upon the arrival of any ship in respect of any charge or allowance for such ship, exclusive of cargo, the time of such arrival shall be deemed to be the time at which the report of such ship shall have been or ought to have been made.

Importation direct.

41. No goods shall be deemed to be imported from any particular place unless they be imported directed from such place,

and shall have been there laden on board the importing ship, either as the first shipment of such goods, or after the same shall have been actually landed at such place.

Prohibitions and restrictions.

42. The goods enumerated and described in the following table of prohibitions and restrictions inwards are hereby prohibited to be imported or brought into the United Kingdom, save as thereby excepted, and if any goods so enumerated and described shall be imported or brought into the United Kingdom contrary to the prohibitions or restrictions contained therein, such goods shall be forfeited, and may be destroyed or otherwise disposed of as the Commissioners of Customs may direct.

A Table of Prohibitions and Restrictions inwards.

Goods prohibited to be imported.

Table of prohibitions and restrictions.

Books wherein the copyright shall be first subsisting, first composed, or written or printed, in the United Kingdom, and printed or reprinted in any other country, as to which the proprietor of such copyright or his agent shall have given to the Commissioners of Customs a notice in writing, duly declared, that such copyright subsists, such notice also stating when such copyright will expire.

Coin, viz., false money or counterfeit sterling.

Coin, silver, of the realm, or any money purporting to be such, not being of the established standard in weight or fineness.

Extracts, essences, or other concentrations of malt (except sugar, or extract of malt for medicinal purposes only, and fermented liquors specified in the Customs Tariff made from malt), coffee, chicory, tea, or tobacco, or any admixture of the same, except in transit, or to be warehoused for exportation only.

Indecent or obscene prints, paintings, photographs, books, cards, lithographic or other engravings, or any other indecent or obscene articles.

Snuff work.

Tobacco stalks, whether manufactured or not.

Tobacco stalk flour.

Articles of foreign manufacture, and any packages of such articles, bearing any names, brands, or marks being or purporting to be the names, brands, or marks of manufacturers resident in the United Kingdom, or bearing any name, brand, or mark which implies that such articles were manufactured in the United Kingdom, unless the manufacturer whose name or mark they bear shall certify in writing that the articles were

A.D. 1876.

IMPORTATION AND WAREHOUSING.

made by or for his use or imported for him, or any name, brand, or mark which states or implies that any such articles were manufactured at any place in the United Kingdom, or at a town or place having the same name as a place in the United Kingdom, unless accompanied by the name of the country in which such place is situate, or unless the name of the town or place be erased, or that of the foreign country be added with the sanction of the Commissioners of Customs, by and at the expense of the importer, prior to the delivery thereof, and on such terms and conditions as they shall see fit.

Clocks and watches, or any other article of metal impressed with any mark or stamp representing or in imitation of any legal British assay, mark, or stamp, or purporting by any mark or appearance to be of the manufacture of the United Kingdom.

Infected cattle, sheep, or other animals, or the carcasses thereof, and hides, skins, horns, hoofs, or any other part of cattle or other animals, which Her Majesty may, by Order in Council, prohibit in order to prevent the dissemination of any contagious distemper.

Spirits (not being cordials, or perfumed or medicinal spirits), unless in ships of forty tons burden at least, and in casks or other vessels capable of containing liquids, each of such casks or other vessels being of the size or content of twenty gallons at the least, and duly reported, or unless in glass or stone bottles, properly packed in cases, and forming part of the cargo of the importing ship and duly reported.

Tobacco, cigars, cigarillos or cigarettes, and snuff, unless into ports approved by the Commissioners of Customs for the importation and warehousing thereof, nor unless in ships of not less than one hundred and twenty tons burden, nor unless in whole and complete packages each containing not less than eighty pounds net weight of tobacco or cigars or snuff, or eighty pounds net weight of cigarillos or cigarettes including the papers forming the covering of each cigarillo or cigarette.

Tobacco, sweetened (whether manufactured or unmanufactured), except as otherwise specially provided for by this or any other Act relating to the Customs.

Wine, except into such ports as may be approved for the importation thereof by the Commissioners of Customs.

Arms, &c. may be prohibited.

43. The importation of arms, ammunition, gunpowder, or any other goods may be prohibited by proclamation or Order in Council.

A.D. 1876.

IMPORTATION AND WAREHOUSING.

Printed lists of prohibited books to be exposed at Custom Houses.

44. The Commissioners of Customs shall cause to be made, and to be publicly exposed at the Custom Houses in the several ports in the United Kingdom, lists of all books wherein the copyright shall be subsisting, and as to which the proprietor of such copyright, or his agent, shall have given notice in writing to the said Commissioners that such copyright exists, stating in such notice when such copyright expires, accompanied by a declaration made and subscribed before a collector of Customs or a justice of the peace, that the contents of such notice are true, and shall also transmit copies of such lists to the several ports in the British possessions abroad, to be publicly exposed at the Custom Houses there.

Persons complaining of prohibition of books in copyright lists may appeal to a judge in chambers.

45. If any person shall have cause to complain of the insertion of any book in such lists, it shall be lawful for any judge at chambers, on the application of the person so complaining, to issue a summons, calling upon the person upon whose notice such book shall have been so inserted to appear before any such judge, at a time to be appointed in such summons, to show cause why such book shall not be expunged from such lists, and any such judge shall at the time so appointed proceed to hear and determine upon the matter of such summons, and make his order thereon in writing; and upon service of such order, or a certified copy thereof, upon the Commissioners of Customs or their secretary for the time being, the said Commissioners shall expunge such book from the list, or retain the same therein, according to the tenor of such order; and in case such book shall be expunged from such lists, the importation thereof shall not be deemed to be prohibited. If at the time appointed in any such summons the person so summoned shall not appear before such judge, then upon proof by affidavit that such summons, or a true copy thereof, has been personally served upon the person so summoned, or sent to him by post to or left at his last known place of abode or business, any such judge may proceed ex parte to hear and determine the matter; but if either party be dissatisfied with such order, he may apply to a superior court to review such decision and to make such further order thereon as the court may see fit: Provided always, that nothing herein contained shall affect any proceeding at law or in equity which any party aggrieved by reason of the insertion of any book pursuant to any such notice, or the removal of any book from such list pursuant to any such order, or by reason of any false declaration under this Act, might or would otherwise have against any party giving such notice, or obtaining such order, or making such false declaration.

Nothing to prevent persons aggrieved from proceeding at law, &c.

IMPORTATION AND WAREHOUSING.

Vessels arriving to come quickly to place of unlading, and bring to at the stations for boarding officers.

Accommodation of officers on board.

Penalty 20*l.*

46. If any ship arriving at any port or place in the United Kingdom or the Channel Islands shall not come as quickly up to the proper place of mooring or unlading as the nature of the port or place will admit, without touching at any other place, and in proceeding to such proper place shall not bring to at the stations appointed by the Commissioners of Customs for the boarding of ships, or if after arrival at such place such ship shall remove therefrom, except directly to some other proper place of mooring or unlading, and with the knowledge of the proper officer of the Customs, or if the master of any ship on board of which any officer is stationed neglect or refuse to provide every such officer sufficient room and accommodation under the deck for his bed or hammock, the master of such ship shall forfeit the sum of *twenty* pounds.

Officers to board ships.

To have free access to all parts.

May seal or secure goods and open locks.

Goods concealed, forfeited.

If seal, &c. broken, master to forfeit 100*l.*

Officers may put seals upon stores inwards.

If such seals be broken, or the stores secretly conveyed away, master to forfeit 20*l.*

47. The proper officers of the Customs may board any ship arriving at any port in the United Kingdom or the Channel Islands, and stay on board until all the goods laden therein shall be duly delivered therefrom, or until her departure, and shall have free access to every part thereof, with power to fasten down hatchways or entrances to the hold, and to mark any goods before landing, and to lock up, seal, mark, or otherwise secure any goods on board such ship; and if any place or any box or chest be locked, and the keys be withheld, any examining or superior officer may open any such place, box, or chest in the best manner in his power; and if any goods be found concealed on board any such ship they shall be forfeited; and if the officers shall place any lock, mark, or seal upon any goods on board, or on any place or package in which the same may be, and such lock, mark, or seal be wilfully opened, altered, or broken before due delivery of such goods, or if any of such goods be secretly conveyed away, or if the hatchways or entrances to the hold, after having been fastened down by the officer, be opened, the master of such ship shall forfeit the sum of *one hundred* pounds; and if the proper officer of the Customs shall place any lock, mark, or seal upon any stores or upon any place or package in which the same may be on board any ship or vessel arriving in the United Kingdom, and such lock, mark, or seal be wilfully opened, altered, or broken, or if any such stores be secretly conveyed away, either while the ship remains in the port at which she shall have so arrived, or at any other port in the United Kingdom to which she may then be about to proceed, the master of such ship shall forfeit the sum of *twenty* pounds.

A.D. 1876.

IMPORTATION AND WAREHOUSING.

48. No goods, except diamonds, bullion, lobsters, and fresh fish of British taking and imported in British ships, which may be landed without report or entry, shall be unshipped from any ship arriving from parts beyond the seas, or be landed or put on shore, on Sundays or holidays, except by special permission of the Commissioners of Customs, nor shall they be so unshipped, landed, or put on shore on any other days, except between the hours of eight o'clock in the morning and four o'clock in the afternoon from the first day of March until the first day of November, and between the hours of nine o'clock in the morning and four o'clock in the afternoon from the first day of November until the first day of March, or during such other hours as may be appointed by the Commissioners of Customs; nor shall any goods be unshipped or landed unless in the presence or with the authority of the proper officer of the Customs; nor shall any goods entered to be warehoused or liable to any duties of Customs or Inland Revenue be so landed except at some legal quay, wharf, or other place duly appointed for the landing or unshipping of goods; nor shall any such goods, after having been unshipped or put into any boat or craft to be landed, be transhipped or removed into any other boat or craft previously to their being landed, without the permission of the proper officer of the Customs; and if any such goods shall be unshipped, landed, transhipped, or removed contrary hereto, the same shall be forfeited; and if any goods shall be unshipped or removed from any importing ship for the purpose of being landed after due entry thereof, such goods shall be forthwith removed to and landed at the wharf, quay, or other place at which the same are intended to be landed; and if such goods are not so removed and landed the same shall be forfeited, together with the barge, lighter, boat, or other vessel employed in removing the same.

Time and place of landing goods inwards.

Goods unshipped contrary to regulations forfeited.

Goods not forthwith removed and landed, forfeited.

49. If the importer, owner, or consignee of any bullion or coin, not being small parcels forming part of the baggage of passengers imported into Great Britain or Ireland, shall not, within ten days after the landing thereof, deliver to the collector or other proper officer of Customs a full and true account thereof, including its weight and value, he shall forfeit a sum of *twenty* pounds.

Account of bullion or coin to be delivered to the officers of Customs.

As to report of cargo.

50. The master of every ship, whether laden or in ballast, shall, within twenty-four hours after arrival from parts beyond the seas at any port in the United Kingdom, make due report of such ship to the collector or other proper officer in the form No. 1 in

Master to report within 24 hours after arrival.

Form No. 1.

A.D. 1876.

IMPORTATION AND WAREHOUSING.

Schedule B. to this Act, and containing the several particulars indicated in or required thereby, or in such other form and manner as the Commissioners of Customs may direct; and such report, except where otherwise specially allowed or provided for by their order or at ports where goods may be landed into transit sheds, shall be made before bulk be broken.

On failure, master to forfeit 100*l.*

Goods not reported may be detained.

51. If such master shall fail to make due report, or if the particulars or any of them contained in such report be false, he shall forfeit the sum of *one hundred* pounds; and all goods not duly reported may be detained by any officer of Customs until so reported or the omission explained to the satisfaction of the Commissioners of Customs, and may in the meantime be removed to the Queen's warehouse.

Commissioned ships, British or foreign, having goods on board, persons in charge to deliver an account or forfeit 100*l.*

52. The captain or other officer having the charge of any ship (having commission from Her Majesty or from any foreign state), having on board any goods laden in parts beyond the seas, shall, on arrival at any port in the United Kingdom, and before any part of such goods be taken out of such ship, or when called upon so to do by any officer of the Customs, deliver an account in writing under his hand to the best of his knowledge of the quality and quantity of every package or parcel of such goods, and of the marks and numbers thereon, and of the names of the respective shippers and consignees of the same, and shall make and subscribe a declaration at the foot of such account declaring to the truth thereof, and shall also truly answer to the collector or other proper officer such questions concerning such goods as shall be required of him, and on failure thereof such captain or other officer shall forfeit the sum of *one hundred* pounds; and all such ships shall be liable to such searches as merchant ships are liable to, and the officers of the Customs may freely enter and go on board all such ships, and bring from thence on shore into the Queen's warehouse any goods found on board any such ship as aforesaid, subject nevertheless to such regulations in respect to ships of war belonging to Her Majesty as shall from time to time be directed in that respect by the Commissioners of Her Majesty's Treasury.

Such ships liable to search.

Master to answer questions.

53. The master of every ship arriving from parts beyond the seas shall at the time of making report answer all such questions relating to the ship, cargo, crew, and voyage as shall be put to him by the collector or other proper officer; and if he refuses to answer or does not answer truly, or if after the arrival within four leagues of the coast of the United Kingdom bulk shall be broken, or any alteration made in the stowage of the cargo of such ship so as to

Bulk not to be broken or stowage altered,

facilitate the unlading of any part of such cargo before report of such ship and cargo, or if any part be staved, destroyed, or thrown overboard, or any package be opened, unless cause be shown to the satisfaction of the Commissioners of Customs, in every such case the master shall forfeit the sum of *one hundred* pounds.

Penalty 100*l.*

54. If the contents of any package intended for exportation in the same ship shall be reported by the master as being unknown to him, the officers of the Customs may open and examine such package on board such ship, or bring the same to the Queen's warehouse for that purpose; and if there be found therein any goods which are prohibited to be imported such goods shall be forfeited, unless the Commissioners of Customs shall permit them to be exported.

Packages reported "Contents unknown," may be opened and examined.

Prohibited goods forfeited.

As to the entry of dutiable goods for home use.

55. The importer of any goods liable to duties of Customs and intended to be delivered for home use on the landing thereof from the importing ship, or his agent, shall before unshipment thereof make perfect entry of such goods by delivering to the collector or other proper officer an entry thereof in the form No. 2 in Schedule B. to this Act, and containing the several particulars indicated in or required thereby, or in such other form and manner as the Commissioners of Customs may direct.

Entry for home use.

Form No. 2.

56. The importer of any goods or his agent shall immediately upon the entry thereof by him for home use pay down any duties which may be payable thereon to the collector or other proper officer appointed to receive the same; and the entry, when signed by such collector or officer, shall be the warrant for the landing and delivery of such goods, and shall be transmitted to the proper officer of Customs for that purpose.

Payment of duties.

Warrant for delivery.

As to the entry of goods intended to be warehoused without payment of duty on first entry thereof.

57. The importer of any goods intended to be warehoused without payment of duty on the first entry thereof, or his agent, shall deliver to the collector or other officer authorised to receive the same a bill of entry in the form No. 3 in Schedule B. to this Act, and containing the several particulars indicated in or required thereby, or in such other form and manner as the Commissioners of Customs may direct; and such bill of entry, when signed by such collector or officer, shall be transmitted to the proper officer of

Entry for warehousing.

Particulars of entry.

Form No. 3.

Warrant for warehousing.

IMPORTATION AND WAREHOUSING.

Entry for home consumption.

Customs, and be the warrant for the due warehousing of such goods; and upon the entry of any warehoused goods for home consumption form No. 2 may be used, with the addition of the date of warehousing.

Form No. 2.

As to the entry of goods landed for examination by bill of sight and perfecting entry thereof.

Entry by bill of sight when goods not known.

58. The importer of any goods, or his agent, if unable for want of full information to make a perfect entry of such goods, on making and subscribing a declaration to that effect before the collector or other proper officer, may make an entry by bill of sight for the packages or parcels of such goods in the form No. 4 in Schedule B. to this Act, and containing the several particulars indicated in or required thereby, or in such other form and manner as the Commissioners of Customs may direct.

Form No. 4.

Warrant for landing.

59. Such entry being delivered to the collector or other proper officer, and signed by him, shall be the warrant for provisionally landing such goods to be examined by such importer in presence of the proper officers; and the importer shall, within three days or such further time as the Commissioners of Customs shall see fit after the landing thereof and before the same shall be delivered, make full and perfect entry thereof by endorsing upon such bill of sight such particulars of such goods as are herein required on making perfect entry of goods, whether for payment of duty, or for warehousing, or for delivery free of duty, as the case may be, and to such endorsement he shall affix the date thereof, together with his signature and place of abode; and such endorsement, when countersigned by the collector or other proper officer, shall be taken as the perfect entry for such goods.

Before delivery, importer to make perfect entry.

Goods entered by bill of sight not to be delivered unless duty is paid or deposited.

60. Where an entry for the landing and examination of goods for delivery on payment of duty shall be made by bill of sight, such goods shall not be delivered until perfect entry thereof shall have been made and the duties due thereon paid, unless the importer or his agent shall have deposited with the proper officer of the Customs a sum of money sufficient in amount to cover the duties payable thereon; and if the sum deposited on a bill of sight shall not be equal in amount to the duties payable upon all the goods contained in any single package landed or examined thereby, no part shall be delivered until a perfect entry is made and the duties paid or deposited for the whole of the goods contained in such package.

61. If full and perfect entry of any goods landed by bill of sight as aforesaid be not made within three days after the landing thereof, or within such further time as the Commissioners of Customs may see fit, such goods shall be taken to the Queen's warehouse by the officers of the Customs; and if the importer shall not within one month after such landing make perfect entry of such goods, and pay the duties thereon or on such parts thereof as can be entered for home use, together with the charges of removal and of warehouse rent, such goods shall be sold for the payment of such duties and charges (or for exportation if they be such as cannot be entered for home use or shall not be worth the duties), and the overplus, if any, after payment of such duties and charges, or the charges if sold for exportation, shall be paid to the importer or proprietor thereof: Provided always, that if any entry at any time made as and for a full and perfect entry for goods provisionally landed by bill of sight or deposited in the Queen's warehouse as aforesaid shall not be made in manner herein required for the due landing of the goods, the same shall be deemed to be goods landed without entry.

Goods to be taken to Queen's warehouse in default of perfect entry, and sold in default of such entry within one month after landing.

Entry not valid unless in manner required by law

62. If after any goods shall have been duly entered and landed to be warehoused, though not actually deposited in the warehouse, the importer shall further duly enter the same or any part thereof for home use or exportation, the same may be delivered and taken for home use or exportation, as the case may be.

Goods entered for warehouse may upon further entry be delivered for home use or exportation.

As to the entry of British goods brought back.

63. All British goods brought back into the United Kingdom, being of such a kind or description as, if foreign, would be liable to any duty of Customs on importation, shall be deemed to be foreign, and liable to the same duties, rules, regulations, and restrictions as foreign goods of the like kind or description, unless the same shall be brought back within five years from the time of the exportation thereof, and it shall be proved to the satisfaction of the Commissioners of Customs that they are British goods returned, in which case the same may be entered by bill of store, containing such particulars and in such manner and form as the said Commissioners may direct, and be delivered free of duty: Provided always, that all goods brought into the United Kingdom for which any drawback of Excise or Customs might have been received on exportation shall be deemed and treated as foreign, unless admitted to entry by special permission of the Commissioners of Customs, and on repayment of such drawback; and all foreign goods on re-impor-

Entry of British goods returned.

A.D. 1876.

IMPORTATION AND WAREHOUSING.

tation into the United Kingdom, whether they shall have paid duty on their first importation or not, shall be liable to the same duties, rules, regulations, and restrictions as if then imported for the first time; provided also, that if any British goods brought into the United Kingdom bear the name, brand, or mark of any British manufacturer, the same shall, either by bill of store or by and with the consent in writing of the proprietor of such name, brand, or mark, or his legal representative, or on proof to the satisfaction of the Commissioners of Customs, by declaration of the importer that such goods are of British manufacture, be admitted to entry as British.

As to the entry of goods free of duty.

Entry of free goods.

Particulars of entry.

Form No. 5.

Warrant for delivery.

Account of free goods.

64. The importer of any goods not subject to duties of Customs, or his agent, shall deliver to the collector or other proper officer an entry of such goods in the form No. 5 in Schedule B. to this Act, and containing the several particulars indicated in or required thereby, or in such other form and manner as the Commissioners of Customs may direct; and such entry, when signed by the collector or other proper officer, shall be transmitted to the examining officer, and be his warrant for the delivery of the goods mentioned therein.

As to entries of goods in any of the foregoing cases.

Entries generally.

Bill of entry to be in duplicate.

65. Upon the entry of any goods, the importer, his agent, or the consignee of the ship, as the case may be, shall deliver two or more duplicates of the entry thereof, as the case may require, in which duplicates all sums and numbers may be expressed in figures; and the number of duplicates shall be such as the collector or other proper officer may require; and [the paper for each such entry or other document required shall not be of less dimensions than eight inches by six.

Goods concealed in packages or delivered without entry forfeited.

Passengers baggage.

66. If any goods or other things shall be found concealed in any way or packed in any package or parcel to deceive the officers, such package or parcel, and all the contents thereof, shall be forfeited; and if any goods be taken or delivered out of any ship or out of any warehouse, not having been duly entered, the same shall be forfeited: Provided always, that no entry shall be required in respect of the baggage of passengers, which may be examined, landed, and delivered under such regulations as the Commissioners of Customs may direct, but if any prohibited or uncustomed goods shall be found concealed therein, either before or

after landing, the same shall be forfeited, together with everything packed therewith.

Penalty on fraudulent import entries and concealments.

67. If any person shall import, or cause to be imported, goods of one denomination concealed in packages of goods of any other denomination, or any package containing goods not corresponding with the entry thereof, or shall directly or indirectly import or cause to be imported or entered any package of goods as of one denomination which shall afterwards be discovered, either before or after delivery thereof, to contain other goods or goods subject to a higher rate or other amount of duty than those of the denomination by which such package or the goods in such package were entered, such package, and the goods therein, shall be forfeited, and such person shall forfeit for every such offence a penalty of *one hundred* pounds, or treble the value of the goods contained in such package, at the election of the Commissioners of Customs.

Surplus stores not excessive may be entered for private use or warehouse.

68. The proper officer may permit surplus stores, not being merchandise, nor by him deemed excessive, to be entered for private use under and subject to the same duties, rules, and regulations as the like sort of goods would be subject to on importation as merchandise, or permit any surplus stores to be entered and warehoused for future use as ship's stores, although the same could not be legally imported by way of merchandise.

Agent to produce authority, if required.

69. Whenever any person shall make application to any officer of the Customs to transact any business on behalf of any other person, such officer may require of the person so applying to produce a written authority from the person on whose behalf such application shall be made, and in default of the production of such authority refuse to transact such business.

Officers may take samples.

70. The officers of Customs may on the entry of any goods, or at any time afterwards, take samples of such goods for examination, or for ascertaining the duties payable on such goods, or for such other purpose as the Commissioners of Customs may deem necessary, and such samples shall be disposed of and accounted for in such manner as the Commissioners of Customs may direct.

No entry, &c. valid unless in accordance with Customs Acts.

71. No entry or warrant for the landing of any goods shall be deemed valid unless made in accordance with the provisions of the Customs Acts.

Importer or agent failing to comply with regulations to forfeit 20*l.*

72. Every importer, agent, or other person entering any goods who shall fail to comply with the foregoing regulations so far as they are respectively applicable to the goods entered by him, shall

IMPORTATION AND WAREHOUSING.

forfeit a sum not exceeding *twenty* pounds, and such goods shall be liable to forfeiture.

Entry, time for.

As to the time within which goods shall be entered and landed after the arrival of the importing ship.

Goods not entered within fourteen days may be conveyed to Queen's warehouse.

73. If the importer of any goods shall not, within fourteen days (exclusive of Sundays and holidays), after the arrival of the ship importing the same, make perfect entry or entry by bill of sight of such goods, or if, having made such entry, he shall not land such goods within such fourteen days or within such further period as the Commissioners of Customs shall direct, the officers of the Customs may convey such goods to the Queen's warehouse; and whenever the cargo of any ship shall have been discharged within such fourteen days with the exception only of a small quantity of goods, the officers of the Customs may forthwith deposit such remaining goods in the Queen's warehouse; and also at any time after the arrival of such ship may deposit any small packages or parcels of goods therefrom in the Queen's warehouse, there to remain for due entry during the remainder of such fourteen days, except as herein-after mentioned; and if any goods so deposited in the Queen's warehouse being of a perishable nature shall not be cleared forthwith, or not being of a perishable nature shall not be cleared within three months after such deposit, or within such further period as the Commissioners may direct, and all charges of removal, freight, and warehouse rent be not paid, such goods may be sold, and the produce thereof paid in discharge of duties, freight, and charges, and the overplus, if any, to the proprietor of the goods on his application for the same; and in case such goods cannot be sold for a sufficient sum to pay the duties and charges, if ordered for sale for home consumption, or the charges if for exportation, the same may, by direction of the Commissioners of Customs, be destroyed; and any officer of Customs having the custody of any goods which shall have come to his hands under the Customs Acts, may refuse delivery thereof from the Queen's warehouse or other place of deposit until proof be given to his satisfaction that the freight due upon such goods has been paid: Provided that if the importing ship and goods be liable to the performance of quarantine the time for entry and landing of such goods shall be computed from the time at which such ship and goods shall have been released from quarantine.

Small packages or quantities of goods may be deposited in Queen's warehouse.

If duties and charges on such goods be not paid within three months, the goods may be sold.

Lien for freight payable before delivery of goods from Queen's warehouse.

Combustibles not to be deposited in Queen's warehouse.

74. No goods of a combustible or inflammable nature shall be brought into or deposited in the Queen's warehouse unless with the

sanction of the Commissioners of Customs; and if any such goods shall be landed by the officers of Customs under the provisions of the Customs Acts, the same may be deposited in any other available place that such officers may deem fit, and whilst so deposited the same shall be deemed to be in the Queen's warehouse, and be liable to be dealt with, at the expiration of fourteen days, in the same manner as goods of a perishable nature actually deposited in the Queen's warehouse, unless duly cleared or warehoused in some approved warehouse in the meantime; and such goods shall be chargeable with such expenses for securing, watching, and guarding the same until sold, cleared, or warehoused as aforesaid, as the Commissioners shall see fit, and neither the said Commissioners nor their officers shall be liable to make good any damage which such goods may sustain by reason or during the time of their being so deposited and dealt with as aforesaid.

If goods remain on board importing ship beyond fourteen days, such ship may be detained for expenses.

75. Whenever any goods shall remain on board any importing ship beyond the period of fourteen days after the arrival of such ship, or beyond such further period as the Commissioners of Customs may allow, such ship shall be detained by the proper officer of Customs until all expenses of watching or guarding such goods beyond such fourteen days, or such further time, if any, allowed as aforesaid, not exceeding five shillings per diem, and of removing the goods, or any of them, to the Queen's warehouse, in case the officers shall so remove them, be paid, and the like charge per diem shall be made in respect of any derelict or other ship coming, driven, or brought into the United Kingdom under legal process, by stress of weather, or for safety, when it is is necessary to station any officer of Customs in charge, either on board thereof or otherwise, for the protection of the revenue, so long as the officer shall so remain.

Unshipping, landing, and examination.

As to the unshipping, landing, examination, warehousing, and custody of goods.

Unshipping, carrying, landing, weighing, &c., and depositing of goods, to be done at the expense of the importer.

76. The unshipping, carrying, and landing of all goods, and bringing them to the proper place for examination and weighing, putting them into the scales, opening, unpacking, repacking, bulking, sorting, lotting, marking, and numbering, where such operations respectively are necessary or permitted, and removing to and placing them in the proper place of deposit until duly delivered, shall be performed by or at the expense of the importer.

Proper officer of Customs to take ac-

77. Upon the entry and landing of any goods to be warehoused, or within such period as the Commissioners of Customs shall direct

A.D. 1876.

IMPORTATION AND WAREHOUSING.

with respect to the same or any of them, the proper officer of Customs shall take a particular account of such goods at the quay or wharf at which they shall be so landed, or in the warehouse of the port of arrival, if they be goods of which the account is permitted to be taken in the warehouse, or in the warehouse of any other port to which they may be consigned and allowed to be removed by the authority of the Lords Commissioners of the Treasury or the Commissioners of Customs, and shall cause to be marked on each package of which such account shall be taken the contents thereof, and shall enter in a book prepared for that purpose, containing the name of the import ship and of the person in whose name they are entered, the marks, numbers, and contents of each such package, the description of the goods, and the warehouse or place in the warehouse in which the same shall be deposited, and when the same shall have been so deposited with the authority of such officer he shall certify that the entry and warehousing of such goods is complete, and such goods shall from that time be considered goods duly warehoused; and if any such goods shall be delivered, withheld, or removed from the proper place of examination before the same shall have been examined and certified by such officer, such goods shall be deemed to be goods not duly entered or warehoused, and shall be forfeited.

Account of goods for warehouse.

Contents of packages to be marked thereon, and entered in landing book.

Goods to be entered and duties ascertained and paid according to landing account.

78. The account of the goods so taken as aforesaid shall be the account upon which the duties payable upon such goods shall be ascertained when the same shall ultimately come to be delivered upon due entry for that purpose, and the same shall be entered and the full duties due thereon be paid according to the quantity taken in such account, without any abatement for any deficiency, except as herein-after provided.

Warehoused goods to be deposited in original packages or those of which account is taken.

Goods altered or removed without sanction of officers forfeited.

79. All goods warehoused shall be deposited in the packages in which the same shall have been imported, except such goods as are permitted to be skipped on the quay, or bulked, sorted, lotted, packed, or repacked in the warehouse after the landing thereof, in which case they shall be deposited in the packages in which the same shall be when the account thereof is taken by the proper officer; and if such goods are not so deposited, or if any alteration shall afterwards be made in the goods or packages so deposited, or in the packing thereof in the warehouse, or in the marks and numbers of such packages, or if the same shall be removed from the room in the warehouse in which the same are deposited, without the presence and sanction of the proper officers, except for

delivery under the proper warrant, order, or authority for that purpose, such goods and packages shall be forfeited.

Commissioners to direct what goods may be bulked, sorted, packed, &c.

80. The Commissioners of Customs may direct what goods may be skipped on the quay, or be bulked, sorted, lotted, packed, or repacked, and determine in respect of what goods the account may be taken in any warehouse approved by them for that purpose, and within what time after the landing thereof, and on such conditions as they may deem necessary.

Warehouse keeper neglecting to stow goods properly to forfeit 5*l.*

81. If the occupier of any warehouse shall neglect to stow the goods warehoused therein so that easy access may be had to every package and parcel thereof, he shall for every such neglect forfeit the sum of *five* pounds.

Warehouse keeper neglecting to produce goods deposited when required to forfeit 5*l.*

82. If the occupier of any warehouse shall not produce to any officer of Customs on his request any goods deposited in such warehouse which shall not have been duly cleared and delivered therefrom, such occupier shall for every such neglect forfeit the sum of *five* pounds in respect of every package or parcel not so produced, besides the duties due thereon.

Goods not duly warehoused, or fraudulently concealed or removed, forfeited.

83. If any goods entered to be warehoused shall not be duly warehoused in pursuance of such entry, or being duly warehoused shall be in any way concealed in or removed from the warehouse, or abstracted from any package, or transferred from one package to another, or otherwise, for the purpose of illegal mixing, removal, or concealment, they shall be forfeited.

Persons clandestinely opening warehouse, or gaining access to goods therein, to forfeit 100*l.*

84. If any person shall clandestinely open any warehouse, or, except in the presence of the proper officer of Customs acting in the execution of his duty, gain access to the goods therein, he shall for every such offence forfeit the sum of *one hundred* pounds.

Duty on goods taken out of warehouse without entry to be paid by warehouse keeper.

Persons taking goods out of warehouse or destroying goods in warehouse to be deemed guilty of a misdemeanor.

85. If any goods shall be taken out of any warehouse without due entry, the occupier of such warehouse shall forthwith pay the duties due upon such goods; and every person taking out any goods from any warehouse without payment of duty, or who shall aid, assist, or be concerned therein, and every person who shall destroy or embezzle any goods duly warehoused, shall be deemed guilty of a misdemeanor, and shall, upon conviction, suffer the punishment by law inflicted in cases of misdemeanor; but if such person shall be an officer of Customs or Excise not acting in the due execution of his duty and shall be prosecuted to conviction by the importer, consignee, or proprietor of such goods, no duty shall be payable for or in respect of such goods, and the damage occa-

IMPORTATION AND WAREHOUSING.

sioned by such destruction or embezzlement shall, with the sanction of the Commissioners of the Treasury, be repaid or made good to such importer, consignee, or proprietor by the Commissioners of Customs.

Importer or consignee, if defrauded by officers, to be indemnified.

86. No compensation shall be made by the Commissioners of Customs to any importer, proprietor, or consignee of any goods by reason of any damage occasioned thereto in the warehouse by fire or other inevitable accident.

If goods be damaged by fire, &c., the importer not entitled to compensation.

87. If any goods warehoused or entered to be warehoused, or entered to be delivered from the warehouse, shall be lost or destroyed by unavoidable accident, either on shipboard or in removing, landing, or receiving into the warehouse, or in the warehouse, the Commissioners of Customs may remit or return the duties due or paid thereon.

Commissioners of Customs may remit duties on warehoused goods lost or destroyed.

Removal.

As to the removal of warehoused goods.

Goods may be removed from one warehousing port to another, or from one warehouse to another in the same port.

88. Any goods warehoused at any port in the United Kingdom may be removed by sea or by inland carriage to any other port in which the like kind of goods may be warehoused to be re-warehoused at such other port, and again as often as may be required at any other such port to be there re-warehoused, or, with the permission of the proper officers of Customs, from any warehouse in any port to any other warehouse in the same port, under such regulations and with such security as the Commissioners of Customs may direct, on the delivery to the proper officer by the person requiring such removal of a request note, stating the particulars of the goods required to be removed, the name of the port, or of the warehouse if in the same port, to which the same are intended to be removed, and with such other information and in such manner and form as the Commissioners of Customs or the proper officer may direct or require.

Regulations for removal.

Officers at port of removal to transmit account of goods to officers at port of destination.

89. On the delivery of any goods for removal, an account, containing the particulars thereof, shall be transmitted by the proper officer of the port of removal to the proper officer of the port or place of destination, and the person requiring the removal thereof shall enter into bond, with one sufficient surety, in a sum equal at least to the duty chargeable on such goods, for the due arrival and re-warehousing thereof at the port or place of destination within such time as the Commissioners of Customs may direct, such bond to be taken by the collector or other proper officer, either of the port or place of removal or the port or place of destination,

Remover to give bond in the amount of duty.

Bond may be given either

as shall best suit the residence or convenience of the parties interested in such removal; and if such bond shall have been given at the intended port or place of destination, a certificate thereof, under the hand of the collector or other proper officer of such port, shall, at the time of the entering of such goods, be produced to the collector or other proper officer of the port of removal; and such bond shall not be discharged unless such goods shall have been produced to the proper officer and duly re-warehoused at the port of destination, or unless the full duties of Customs shall have been paid thereon within forty-eight hours after the arrival thereof, but in no case later than the time allowed for such removal, or shall have been otherwise accounted for to the satisfaction of the Commissioners of Customs, nor until the full duties due upon any deficiency of such goods not so accounted for shall have been paid; but any remover may enter into general bond, with such sureties, in such amount, and under such conditions as the Commissioners of Customs may approve, for the removal from time to time of any goods from one warehouse to another, and for the due arrival and re-warehousing of the same at the place of destination, within such time or times as the said Commissioners may direct.

at port of removal or port of destination.

Bond how to be discharged.

General removal bond may be given.

90. Upon the arrival of such goods at the port or place of destination, the same shall be entered and warehoused in the same manner, and under and subject to the same laws, rules, and regulations, so far as the same are or can be made applicable, as are required on the entry and warehousing of goods on the first importation thereof.

Goods, on arrival at the port of destination, to be subject to same regulations as goods on first importation.

91. If upon the arrival of goods so removed as aforesaid at the port of destination the parties shall be desirous forthwith to export the same, or to pay duty thereon for home use, without actually lodging the same in the warehouse for which they have been entered and examined to be re-warehoused, the officers of Customs at such port may permit the same to be entered and delivered for home use upon payment of the duties due thereon, or, after all the formalities of entering and examining such goods for re-warehousing have been duly performed, to be entered and shipped for exportation, as if such goods had been actually lodged in such warehouse; and all goods so exported, or for which the duties have been so paid, shall be deemed to have been duly cleared from the warehouse.

On arrival of goods at port of destination they may, after formal re-warehousing, be entered for exportation or for home use on payment of duties.

92. All warehoused goods shall be cleared either for home use or exportation at the expiration of five years from the day on which the same were so warehoused, or within such further period and

Warehoused goods, if not cleared for home use or

A.D. 1876.

IMPORTATION AND WAREHOUSING.

in such cases as the Commissioners of the Treasury shall direct, unless the owner or proprietor of such goods shall be desirous of re-warehousing the same, in which case the same shall be examined by the proper officers, and the duties due upon any deficiency or difference between the quantity ascertained on landing and the quantity found to exist on such examination, together with the necessary expense attendant thereon, shall, subject to such allowances as are by law permitted in respect thereof, be paid down, and the quantity so found shall be re-warehoused in the name of the then owner or proprietor thereof in the same manner as on first importation; provided that if the owner or proprietor shall, with the concurrence of the warehouse keeper, desire to warehouse the same according to the account taken at the landing thereof, without re-examination, such re-examination may be dispensed with, the officers being satisfied that the same are still in the warehouse and that there is no reason to suspect that there is any undue deficiency; but the warehouse keeper shall be liable to make good the duty on any deficiency not allowed by law which may be discovered in the goods at the time of delivery thereof.

exportation within five years, must be re-warehoused.

Duties on deficiencies and expense of examination to be paid down.

Goods in warehouse not cleared or re-warehoused, or duties paid on deficiencies after five years, to be sold.

93. If any warehoused goods shall not be duly cleared, exported, or re-warehoused, and the duties ascertained to be due on the deficiencies as aforesaid shall not be paid down at the expiration of five years from the previous entry and warehousing thereof, or within such further period as shall be directed as aforesaid, the same shall, after one month's notice to the warehouse keeper, with all convenient speed be sold by public auction, either for home use, if worth the duty due thereon, or for exportation, with or without the consent of the warehouse keeper, and the proceeds thereof shall be applied to the payment of the duties, warehouse rent, and charges, and the surplus, if any, shall be paid to the owner or proprietor of such goods, if known, but if such owner or proprietor cannot be found, such surplus shall be carried to the Crown's account, to abide the claim of such owner or proprietor on his appearing and making good his claim thereto; and if such goods on being so offered for sale shall not be sold, then the same, after such one month's notice as aforesaid, may be destroyed, with or without the concurrence of the owner thereof or the proprietor of the warehouse in which the same were so warehoused, if the Commissioners of Customs shall see fit; and the duties due upon any deficiency in any warehoused goods not allowed by law shall be forthwith paid by the proprietor of the warehouse.

Proceeds of sale how to be applied.

Goods not worth the duty may be exported or destroyed.

Importation and Warehousing.

Tobacco abandoned by importer as not worth the duty to be destroyed.

94. Tobacco abandoned by the importer or proprietor as not worth the duty shall be destroyed within such time and in such manner as the Commissioners of Customs may direct, at the cost and charges of such importer or proprietor.

Goods in warehouse may be sorted, repacked, &c.

95. With the sanction of the Commissioners of Customs, and after such notice given by the respective importers or proprietors, and at such times and under such regulations and restrictions as the Commissioners of Customs shall from time to time require and direct, it shall be lawful in the warehouse to sort, separate, pack, and repack any goods, and to make such alterations therein as may be necessary for the preservation, sale, shipment, or disposal thereof, provided that such goods be repacked in the packages in which they were imported, or in such other packages as the Commissioners shall permit (not being less in any case, if the goods be to be exported or to be removed to another warehouse, than is required by law on the importation of such goods); and also to draw off British spirits into bottles for home consumption, or wine or spirits into reputed quart or pint bottles, or bottles or flasks of such smaller size as the Commissioners of Customs may see fit, for exportation only; and to draw off and mix with any wine spirits, not being British flavoured or compounded spirits, and not exceeding the proportion of ten gallons of spirits to one hundred gallons of wine, provided that if the wine so mixed be thereby raised to a greater degree of strength than forty per cent. of such proof spirit, such wine shall not be admitted for home consumption; but wine in bond may be fortified to a greater degree of strength for exportation only, if it appear to the said Commissioners to be necessary for its preservation; and also to fill up any casks of wine or spirits from any other casks of the same respectively secured in the same warehouse; and also to rack off any wine from the lees, and mix any wines of the same sort, erasing from the cask all import brands, unless the whole of the wine so mixed be of the same brand; and also to take such samples of goods as may be allowed by the Commissioners of Customs, with or without entry, and with or without payment of duty, except as the same may eventually become payable as on a deficiency of the original quantity; and after such goods have been so separated and repacked in proper or approved packages, the Commissioners of Customs may, at the request of the importer or proprietor of such goods, cause or permit any refuse, damage, or surplus goods occasioned by such separation or repacking, or, at

To be repacked in the original or other legal sized packages.

Wine or spirits may be bottled for exportation only, and wine may be fortified, filled up, or racked off.

Wines may be mixed, and samples taken.

After repacking, damaged parts may be destroyed.

IMPORTATION AND WAREHOUSING.

the like request, any goods which may not be worth the duty, to be destroyed, and may remit the duty payable thereon.

Goods in warehouses may be taken out under certain regulations and with security for duties.

96. The Commissioners of Customs may permit any goods to be taken out of the warehouse without payment of duty for such purpose and for such period as to them may appear expedient, and in such quantities, and under such regulations and restrictions, and and with such security by bond for the due return thereof or the payment of the duties due thereon, as they may direct or require.

Entry for home consumptionand exportation.

As to the entry of warehoused goods for home consumption and exportation, and the delivery thereof.

Entry for exportation or home use.

97. No warehoused goods shall be taken or delivered from the warehouse, except upon due entry and under the care of the proper officers, for exportation, or upon due entry and payment of the full duties payable thereon for home use, except goods duly delivered to be shipped as stores, in such quantities as the collector or other proper officer shall allow, and subject to such directions and regulations as the Commissioners of Customs may see fit.

Persons entering warehoused goods for home use to deliver bill of entry and pay down duties.

Duties to be paid according to landing account, except in certain cases.

98. Upon the entry of any goods to be cleared from the warehouse for home use, the person entering such goods shall deliver a bill of entry, and duplicates thereof, in like manner and form, containing the same particulars as are herein-before required on the entry of goods to be delivered for home use on the landing thereof, as far as the same may be applicable, and shall at the same time pay down to the proper officer of the Customs the full duties payable thereon, not being less in amount than according to the account of the quantity taken by the proper officer on the first entry and landing thereof, except as to the following goods, viz., tobacco, wine, spirits, figs, currants, and raisins, the duties whereon, when cleared from the warehouse for home use, shall be chargeable upon the quantity of such goods, ascertained by weight, measure, or strength at the time of actual delivery thereof, unless there is reasonable ground to suppose that any portion of the deficiency or difference between the weight, measure, or strength ascertained on landing and first examination of any such last-mentioned goods and that ascertained at the time of actual delivery has been caused by illegal or improper means, in which case the proper officer of Customs shall make such allowance only for loss as he may consider fairly to have arisen from natural evaporation or other legitimate cause.

Duties on certain goods to be chargeable on ascertained quantity on delivery, unless deficiency has been caused by improper means.

Deficiencies in goods entered for exportation not to be charged with duty unless fraudulent.

99. No duty shall be charged in respect of any deficiency in goods entered and cleared from the warehouse for exportation unless the officers of Customs have reasonable ground to suppose that such deficiency, or any part thereof, has arisen from illegal abstraction.

Exportation.

As to the Exportation, Entry, and Clearance of Ships to Parts beyond the Seas.

Entry of goods, &c. out.

Warehoused goods not to be exported in ship of less than forty tons burden except to Guernsey or Jersey.

100. No person shall export any warehoused goods, or goods liable to duties of Customs transhipped, or goods entitled to drawback on exportation, nor shall enter any such goods for exportation from the United Kingdom to parts beyond the seas, in any ship of less burden than forty tons.

Exportation.

Vessels outwards. Master to deliver certificate of clearance of last voyage, and to make entry outwards.

Form No. 6.

101. The master of every ship in which any goods are to be exported from the United Kingdom to parts beyond the seas or carried coastwise, or his agent, shall, before any goods be taken on board, except as is hereafter provided, deliver to the collector a certificate from the proper officer of the due clearance inwards or coastwise of such ship of her last voyage, and shall also deliver therewith an entry outwards of such ship, verified by his signature in the form No. 6 in Schedule B. to this Act, and containing the several particulars indicated in or required thereby, or in such other form or manner as the Commissioners of Customs may direct; and if such ship shall have commenced her lading at some other port, the master shall deliver to the proper officer the clearance of such goods from such other port; and if any goods be taken on board any ship at any port before she shall have entered outwards at such port (unless a stiffening order, when necessary, shall be issued by the proper officer to lade any heavy goods for exportation on board such ship), the master shall forfeit the sum of *one hundred* pounds; provided that, on the arrival at any port in the United Kingdom of any ship about to deliver her cargo at more than one port in the United Kingdom, it shall be lawful, subject to such regulations as the Commissioners of Customs may deem necessary, to allow the entry outwards of such ship, and to permit the shipment of goods, other than spirits or tobacco, for exportation in such ship to the foreign destination for which such ship shall be entered outwards, before the whole of the goods imported in such ship shall have been discharged therefrom, the complete separation of such goods from the inward cargo being effected to the satisfaction of the collector or other proper officer of the port.

Penalty 100*l.*

Shipment of goods for exportation.

A.D. 1876.

EXPORTATION.

Goods not to be shipped except on proper days and places, nor until entry and clearance.

102. No warehoused or drawback goods shall be shipped, put off, or water-borne to be shipped for exportation from any port or place in the United Kingdom on Sundays or public holidays, except by special permission of the Commissioners of Customs, nor from any place not being a legal quay, wharf, or other place duly appointed for such purpose, nor without the presence or authority of the proper officer of Customs, nor before due entry outwards of such ship and due entry of such goods, nor before due clearance thereof for shipment; and any such goods shipped, put off, or water-borne to be shipped contrary hereto shall be forfeited;

Officers may open packages and examine goods.

and it shall be lawful for such officers to open and examine all goods shipped or brought for shipment at any place in the United Kingdom, and the opening for that purpose of packages containing such goods, and the weighing, repacking, landing (when water-borne), and the shipping thereof shall be done by or at the expense of the exporter.

British and Irish spirits in nine-gallon casks.

103. If any British or Irish spirits shall be exported from Great Britain or Ireland to parts beyond the seas, or be removed to the Isle of Man, or be brought to Great Britain or Ireland, or to any wharf, quay, or other place, or water-borne for that purpose, in casks containing less than nine gallons each of such spirits, the same shall be liable to forfeiture.

As to the entry and clearance of goods for exportation.

On entry outwards, bond for due shipping and landing shall be given.

104. Before any warehoused goods, British-wrought plate, or goods entitled to any drawback of Customs on exportation, or exportable only under particular rules, regulations, or restrictions, shall be permitted to be exported, the exporter or his agent shall deliver to the collector or other proper officer a bond note or account of such goods, and give such security by bond as the Commissioners of Customs shall require, that such goods shall be duly shipped and exported, and shall be landed at the place for which they are entered outwards, within such time as the Commissioners may deem reasonable, or be otherwise accounted for to their satisfaction; and such bond note, when certified by the proper officer, shall be the export entry for the goods enumerated therein, provided that any person desirous of exporting any such goods may, at his option, but subject to such regulations as the Commissioners of Customs may direct, give a general bond, with such security, in such amount, and under such conditions as the said Commissioners may require, in lieu of separate bond for each exportation, first delivering in each case to the proper officer a notice,

General bond for exportation may be given.

A.D. 1876.

EXPORTATION.

in such form as the said Commissioners shall prescribe, containing an account of the particular goods to be exported by him under such general bond in any particular ship; but no such notice, if it relate to goods other than spirits, shall be received and acted upon unless there be attached thereto an adhesive stamp equal in amount or value to the duty which would be payable under any Act relating to stamp duties upon a separate bond, if given for the exportation of the goods contained in such notice.

Notice in each case to be given.

Stamp duty on notice equivalent to duty on separate bond.

105. Before any goods upon which any drawback of Customs on exportation shall be claimed shall be shipped or water-borne to be shipped for exportation, the exporter or his agent shall deliver to the proper officer of Customs a shipping bill, with claim and declaration at the foot thereof, in the form No. 7 in Schedule B. to this Act, and containing the several particulars indicated in or required thereby, or in such other form and manner as the Commissioners of Customs may direct.

Exporter to deliver shipping bill.

Form No. 7.

106. If any goods upon which any drawback shall be claimed or allowed be shipped or brought to any quay, wharf, or other place to be shipped for exportation, shall, on examination by the proper officers of Customs, be found not to agree with the entry in the shipping bill or other proper document for allowance of drawback on shipment, or shall be found to be of less value for home use than the amount of the drawback claimed, all such goods, and the package containing the same, with all other the contents therein, shall be forfeited; and the person entering such goods, and claiming the drawback thereon, shall in any and every such case forfeit *one hundred* pounds, or treble the amount of the drawback claimed, at the election of the Commissioners of Customs.

Drawback goods not agreeing withshipping bill forfeited.

Penalty for claiming more drawback than is due.

107. No drawback of excise shall be allowed upon any goods cleared for exportation, unless the person intending to claim such drawback shall have given due notice to the officer of excise, and shall have produced to the proper officer of Customs, at the time of clearing such goods, a proper document under the hand of the officer of excise, containing the description of such goods; and if such goods be found to correspond with the particulars of the goods contained in such document, and be duly shipped and exported, the proper officer of Customs shall, if required, certify such shipment upon such document, and shall transmit the same to the officer of excise.

Inland revenue drawback.

Notice to officer.

Shipment to be certified.

108. No drawback shall be allowed on any tobacco not wholly manufactured from tobacco on which duty on importation shall

No drawback on tobacco not properly

A.D. 1876. EXPORTATION.

place prior to the shipment thereof on board the exporting or removing vessel, or from any ship, cart, or carriage in or on which the same shall have been shipped or laden, the bond given in respect thereof shall be forfeited, and may forthwith be put in suit for the penalty thereof, although the time prescribed in such bond for the landing or removal and re-warehousing of such goods at the place of destination shall not have expired.

Commissioners may remit duty on warehoused goods lost or destroyed during delivery or shipment.

116. If any goods duly entered for delivery from the warehouse for removal or exportation shall be lost or destroyed by unavoidable accident, either in the delivery from the warehouse or the shipping thereof, the Commissioners of Customs may remit the duties thereon.

As to debentures for drawback on goods exported.

Debenture for drawback.

117. For the purpose of computing and paying any drawback claimed and payable upon any goods duly entered, shipped, and exported, a debenture shall in due time after such entry be prepared by the collector or other proper officer; certifying in the first instance the entry outwards of such goods; and so soon as the same shall have been duly exported, and a notice containing the particulars of the goods shall have been delivered by the exporter to the export officer, the shipment and exportation thereof shall be certified upon such debenture by the export officer, and the debenture shall thereupon be computed and passed with all convenient despatch.

Declaration as to exportation and right to drawback.

118. The person entitled to any drawback on any goods duly exported, or his agent authorised by him for that purpose, shall make and subscribe a declaration upon the debenture that the goods mentioned therein have been actually exported, and have not been re-landed, and are not intended to be re-landed in any part of the United Kingdom, and that such person at the time of entry and shipping was and continued to be entitled to the drawback thereon, and the name of such person shall be stated in the debenture, which shall then be delivered to such person or his agent, and the receipt of such person on the debenture, countersigned by the holder of such debenture, if the same shall have been transferred in the meantime, shall be the discharge for such drawback when paid.

Name of person entitled to be declared.

Payment within two years.

119. No debenture for any drawback allowed upon the exportation of any goods shall be paid after the expiration of two years from the date of the shipment of such goods.

A.D. 1876.

Exportation.

Warehouse or debenture goods not duly exported.

120. If any goods which have been cleared to be exported from the warehouse or for any drawback shall be shipped or entered to be shipped on board any vessel of less burthen than fifty tons, or shall not be duly exported to parts beyond the seas, or if the same or any other goods which shall have been shipped for exporation shall be unshipped or re-landed in any part of the United Kingdom (such goods not having been duly re-landed or discharged as short-shipped under the care of the proper officers), or shall be carried to any of the Channel Islands (not having been duly entered, cleared, and shipped to be exported or carried directly to such Islands), the same shall be forfeited, together with any ship, boat, or craft which may have been used in so unshipping, re-landing, landing, or carrying such goods from the ship in which the same were shipped for exportation; and the master of such ship, and any person by whom or by whose orders or means such goods shall have been so unshipped, re-landed, landed, or carried, or who shall aid, assist, or be concerned therein, shall forfeit all claim to such drawback if not received, or if received, a sum equal to the amount of such drawback or treble the value of such goods, or a penalty of *one hundred* pounds, at the election of the Commissioners of Customs.

Wine allowed for officers in the navy.

121. Wine intended for the consumption of officers of Her Majesty's Navy on board such of Her Majesty's ships in actual service as they shall serve in, not exceeding in any one year for use of such officers the quantities herein-after respectively mentioned; that is to say,

	Gallons.
For every Admiral - - -	1,260
„ Vice-Admiral - -	1,050
„ Rear-Admiral - -	840
„ Captain of the 1st and 2nd rate	630
„ Captain of the 3rd, 4th, and 5th rate - - - -	420
„ Captain of an inferior rate -	210
„ Lieutenant or other commanding officer, marine officer, master paymaster, or surgeon - - - - -	105

may be taken from the warehouse without payment of duty and shipped at such ports and under such regulations as the Commissioners of Customs may direct or approve.

A.D. 1876.

EXPORTATION.

On officers leaving the service, &c., wine transferable to others.

122. If any such officer shall leave the service or be removed to another ship, the officer of the Customs may permit the transfer of any such wine from one officer to another, as part of his proportion, whether on board the same ship or another, or the transhipment from one ship to another for the same officer, or the re-landing and warehousing for future re-shipment; and the officers of Customs at any port may receive the duties for any of such wine, and deliver the same for home use; but if any of such wine be not laden on board the ship for which the same was intended, or be unladen from such ship without permission of the proper officer of Customs, the same shall be forfeited.

Paymasters of Her Majesty's ships may ship tobacco for crew free of duty.

123. The paymaster or other proper officer of any of Her Majesty's ships of war in actual service may enter and ship, at any port approved of by the Commissioners of Customs, in the proportions herein-after mentioned, any tobacco there warehoused in his name or transferred into his name for the use of the ship in which he shall serve, provided such paymaster shall deliver to the collector or other proper officer of such port a certificate from the captain of such ship, stating the name of the paymaster, and the number of men belonging to the ship, and shall also give bond, with one sufficient surety, in treble the duties payable on the tobacco, that no part thereof shall be re-landed without leave of the officers of Customs.

Paymaster removed from one ship to another may tranship tobacco with permission.

124. If any paymaster or other proper officer shall be removed from one ship to another, the collector or other proper officer of any port may permit the transhipment of the remains of any tobacco for the use of such other ship, upon due entry thereof by such paymaster or other proper officer, setting forth the time when and the port at which such tobacco was first shipped; and if any such ship shall be paid off, the collector or other proper officer of the port may permit the remains of such tobacco to be landed, and to be entered by the paymaster or other proper officer of such ship, either for payment of duties, or to be warehoused for the term of six months for the supply of some other ship, in like manner as any tobacco may be warehoused and supplied at any port, or for payment of all duties within such six months; and all tobacco warehoused for the purpose of so supplying Her Majesty's ships of war shall be subject to the laws in force relating to the warehousing of tobacco generally, so far as the same are applicable.

Limiting the quantity of tobacco.

125. No greater quantity of tobacco shall be allowed to any ship of war than two pounds by the lunar month for each of the crew

of such ship, nor shall any greater quantity be shipped at any one time than sufficient to serve the crew of such ship for six months after such rate of allowance; and the collector or other proper officer of the port at or from which any such tobacco shall be supplied to any such ship, or landed from any such ship, or transferred from one such ship to another, shall transmit a particular account thereof to the Commissioners of Customs, in order that a general account may be kept of all the quantities supplied to and consumed on board each of such ships under the allowances before granted.

As to the shipment of stores.

Victualling bill for stores.

126. The master of every ship of the burden of forty tons or upwards departing from any port in the United Kingdom upon a voyage to parts beyond the seas shall, upon due authority and request made by him, and upon such terms and conditions as the Commissioners of Customs may direct, receive from the export officer an order for the shipment of such stores as may be required and allowed by the collector or other proper officer for the use of such ship, with reference to the number of the crew and passengers on board and the probable duration of the voyage on which she is about to depart; and every such request shall be made in such form and manner as the collector or other proper officer shall require, and shall be signed by the master or owner of the vessel; and the master, or his agent duly authorised by him in writing for that purpose, shall deliver to the export officer the stores content, containing the particulars of such stores, and shall make out and subscribe thereon, in the presence of the proper officer, a declaration that the contents thereof are true, and that all the requirements of the Merchant Shipping Acts respecting outward-bound ships have been complied with, and also an account of the stores so shipped, together with any other stores then already on board, and the latter, when signed by the export officer and countersigned by the collector or other proper officer, shall be the victualling bill; and no stores shall be shipped for the use of any ship, nor shall any articles taken on board any ship be deemed to be stores, except such as shall be borne upon such victualling bill; and if any such stores shall be re-landed at any place in the United Kingdom (without the sanction of the proper officers of Customs), the same shall be forfeited, and the master and owner of the ship shall each be liable to a penalty of treble the value of such stores, or *one hundred* pounds, at the election of the Commissioners.

Stores illegally re-landed forfeited, and penalty 100*l*

A.D. 1876.

As to clearance outwards.

EXPORTATION.

If inward cargo reported for exportation, copy of report thereof to be delivered to the searcher.

127. If there be on board any ship any goods being part of the inward cargo reported for exportation in the same ship, the master shall, before clearance outwards of such ship from any port in the United Kingdom, deliver to the searcher a copy of the report inwards of such goods, certified by the collector or other proper officer, and if such copy be found to correspond with the goods so remaining on board, the export officer shall sign the same, to be filed with the certificates or shipping bills, if any, and victualling bill of the ship.

Before clearance, certificates to be delivered to the proper officer.

Content.

Form No. 10.

128. Before any ship shall be cleared outwards from the United Kingdom, the master, or other person authorised in writing by him, shall attend before the collector or other proper officer, and shall answer all such questions as shall be demanded of him by such collector or other proper officer concerning the ship, the cargo, and the voyage, and shall deliver to the collector or other proper officer a content of such ship in the form No. 10 in Schedule B. to this Act, or to the same effect, and containing the several particulars therein required as far as the same can be known by him, and shall make and subscribe the declaration at the foot thereof in the presence of the collector or other officer, unless such content shall be in any case dispensed with by the Commissioners of Customs under such regulations as they may see fit, and before clearance shall deliver the certificates, if any, to the collector or other proper officer, who shall file them, together with a copy of the report inwards, if any, of goods reported for exportation in such ship, and the victualling bill, with a label attached and sealed thereto in the form and to the effect following:

(Seal.)

CLEARANCE LABEL.

Number of Certificates (*Numbers in Figures*).

Ship (*Name of Ship*).

Master (*Name of Master*).

Date of Clearance _____

Signatures of Collector or other proper Officers of Customs } _____

Label signed, authority to depart.

and such label, when filled up and signed by the proper officers, shall be the clearance and authority for the departure of the ship.

Additional content for goods

129. When any ship having been cleared at one port proceeds to take in goods at any other port, the master shall, after due

shipment of such goods at such other port, deliver to the collector or other proper officer there an additional like content of the goods so shipped, and so on from port to port until final clearance outwards of the ship, and in each instance the additional certificates, if any, and other necessary documents, shall be attached to the label used at the first port of departure, and be sealed in like manner.

Goods shipped at other ports.

130. If any goods for the exportation of which in any ship bond shall have been given shall not be duly shipped before the departure of such ship, such goods shall be forfeited unless due notice of the non-shipment thereof shall be given to the proper officer immediately after such departure, in order that he may certify the short shipment thereof; and if such goods shall not within fourteen days after the final clearance of the ship be re-warehoused or re-entered for exportation under bond in some other ship, the person entering the same shall forfeit the sum of *five* pounds; and if any goods shall be unshipped without the sanction of the proper officer of Customs in any part of the United Kingdom from any ship entered outwards, such goods shall be forfeited and the master of such ship and every person concerned in such unshipment shall forfeit *one hundred* pounds, or treble the value of the goods so unshipped or landed.

Short shipment of goods to be notified to proper officer.

Goods unshipped.

Penalty.

131. If any goods for which entry before shipment is required shall be shipped, put off, or water-borne to be shipped, without being duly cleared, or otherwise contrary to the provisions of this or any other Act relating to the Customs, the same shall be liable to forfeiture.

Goods shipped contrary to provisions forfeited.

132. If any ship having on board any goods shipped as cargo or any goods reported inwards for exportation in such ship, or any stores liable to duty or entitled to drawback, shall depart from any port without being duly cleared, the master shall forfeit the sum of *one hundred* pounds.

Penalty on departing without beingcleared.

133. If any ship shall depart in ballast from the United Kingdom for parts beyond the seas, not having any goods on board except stores borne upon the victualling bill, nor any goods reported inwards for exportation in such ship, the collector or other proper officer may, on the application of the master, clear such ship in ballast; but the master of such ship shall answer to the collector or other proper officer such questions touching her departure and destination as shall be demanded of him; and ships having only passengers with their baggage on board, and ships laden only with

In ballast.

Master to answer questions.

EXPORTATION.

Ships carrying passengers, chalk, or slate in ballast.

chalk or slate, shall be deemed to be in ballast, and if any ship shall depart without being duly cleared, the master shall forfeit *one hundred* pounds.

As to boarding and departure of ships after clearance.

Boarding of ships.

Officer may board ship after clearance.

134. Any officer of Customs may go on board any ship after clearance outwards within the limits of any port in the United Kingdom, or within four leagues of the coast thereof, and may demand the ship's clearance, and if the master shall refuse to produce the same and answer such questions concerning the ship, cargo, and intended voyage as may be demanded of him, he shall forfeit the sum of *five* pounds.

If officers put seals upon stores from the warehouse outwards, and such seals be broken, master to forfeit 20*l.*

135. If any officer of Customs shall place any lock, mark, or seal upon any stores or goods taken from the warehouse without payment of duty as stores on board any ship or vessel departing from any port in the United Kingdom, and such lock, mark, or seal be wilfully opened, altered, or broken, or if such stores be secretly conveyed away, either while such ship or vessel remains at her first port of departure, or at any port or place in the United Kingdom, or on her passage from one such port or place to another before the final departure of such ship or vessel on her foreign voyage, the master shall forfeit the sum of *twenty* pounds.

Ships not bringing to at stations, penalty 20*l.*

Carrying away officers, penalty 100*l.*

136. If any ship departing from any port in the United Kingdom shall not bring to at such stations as shall be appointed by the Commissioners of Customs for the landing of officers from such ships, or for further examination previous to such departure, the master of such ship shall forfeit the sum of *twenty* pounds; and if any ship shall depart from any port with any Customs or other Government officer on board, without the consent of such officer, the master shall forfeit *one hundred* pounds.

Time of exportation and departure defined.

137. The time at which any goods, unless prohibited as hereinafter mentioned, shall be shipped on board any export ship shall be deemed to be the time of exportation of such goods, and the time of the last clearance of any ship shall be deemed to be the time of departure of such ship, except as to any goods prohibited to be exported as contraband of war, with reference to which the exportation shall be deemed to be the actual time of the ship's departure on her outward voyage.

Goods prohibited by proclamation.

138. The following goods may, by proclamation or Order in Council, be prohibited either to be exported or carried coastwise: arms, ammunition, and gunpowder, military and naval stores, and

Exportation.

any articles which Her Majesty shall judge capable of being converted into or made useful in increasing the quantity of military or naval stores, provisions, or any sort of victual which may be used as food for man, and if any goods so prohibited shall be exported or brought to any quay or other place to be shipped for exportation from the United Kingdom or carried coastwise, or be water-borne to be so exported or carried, they shall be forfeited.

In case of public emergency, &c., pre-entry of export or coastwise goods may be required.

139. The Commissioners of Customs may, by order under their hands, require due entry and clearance before shipment, and in such manner as they may direct, of any goods intended for exportation or carriage coastwise, on being satisfied that the public interests render such course expedient, and if upon such entry the goods shall not be found to correspond with the particulars contained therein, they may be detained until the cause be explained to the satisfaction of the Commissioners of Customs, who may thereupon restore the same on such terms as they may see fit.

As to Coasting Trade.

Coasting Trade.

All trade by sea from part of the United Kingdom to another to be deemed coastwise, and no part to be deemed beyond the sea.

140. All trade by sea from any one part of the United Kingdom to any other part thereof shall be deemed to be a coasting trade, and all ships while employed therein shall be deemed to be coasting ships, and no part of the United Kingdom, however situated with regard to any other part, shall be deemed in law, with reference to each other, to be parts beyond the seas; and if any doubt shall at any time arise as to what or to or from what parts of the coast of the United Kingdom shall be deemed a passage by sea, the Commissioners of the Treasury may determine and direct in what cases the trade by water from one port or place in the United Kingdom to another of the same shall or shall not be deemed a trade by sea within the meaning of this or any Act relating to the Customs.

Foreign ships in coasting trade subject to same rules as British ships.

141. Every foreign ship proceeding either with cargo or passengers or in ballast on any voyage from one part of the United Kingdom to another, or from the Islands of Guernsey, Jersey, Alderney, Sark, or Man to the United Kingdom, or from the United Kingdom to any of the said islands, or from any of the said islands to any other of them, or from any part of any of the said islands to any other part of the same, shall be subject, as to stores for the use of the crew and in all other respects, to the same laws, rules, and regulations to which British ships when so employed are now subject; but no such foreign ship nor any goods carried therein shall, during the time she is so employed, be subject to any higher or other rate of dock, pier, harbour, light, pilotage, tonnage,

Foreign ships employed in the coasting trade not to be subject

A.D. 1876.

COASTING TRADE.

to higher rates than British ships.

or other dues, duties, tolls, rates, or other charges whatsoever, or to any other rules as to the employment of pilots, or any other rules or restrictions whatsoever, than British ships employed in like manner or goods carried therein, any law, charter, special privilege, or grant to the contrary notwithstanding; nor shall any body corporate or person having or claiming any right or title to any such higher or other rates, dues, duties, tolls, or other charges as aforesaid be entitled to any compensation in respect thereof under any law or statute relating thereto, or otherwise howsoever.

Coasting ship confined to coasting voyage.

142. No goods shall be carried in any coasting ship, except such as shall be laden to be carried coastwise at some port or place in the United Kingdom, and no goods shall be laden on board any ship to be carried coastwise until all goods brought in such ship from parts beyond the seas shall have been unladen, and if any goods shall be taken into or put out of any coasting ship at sea or over the sea, or if any coasting ship shall touch at any place over the sea, or deviate from her voyage, unless forced by unavoidable circumstances, or if the master of any coasting ship which shall have touched at any place over the sea shall not declare the same in writing under his hand to the collector or other proper officer at the port in the United Kingdom where such ship shall afterwards first arrive, the master of such ship shall forfeit the sum of *one hundred* pounds.

Times and places for landing and shipping.

143. If any goods shall be unshipped from any ship arriving coastwise, or be shipped or water-borne to be shipped to be carried coastwise, on Sundays or holidays, or unless in the presence or with the authority of the proper officer of the Customs, or unless at such times and places as shall be appointed or approved by him for that purpose, the same shall be forfeited, and the master of the ship shall forfeit the sum of *fifty* pounds.

Master of coasting vessel to keep a cargo book.

144. The master of every coasting ship shall keep or cause to be kept a cargo-book, stating the names of the ship, the master, and the port to which she belongs, and of the port to which she is bound on each voyage, and shall at every port of lading enter in such book the name of such port, and an account of all goods there taken on board such ship, stating the descriptions of the packages and the quantities and descriptions of the goods therein, and the quantities and descriptions of any goods stowed loose, and the names of the respective shippers and consignees, so far as such particulars are known to him, and shall at every port of discharge of such goods note the respective days on which the same or any of them are delivered out of such ship, and the respective times of

departure from every port of lading and of arrival at every port of discharge; and such master shall, on demand, produce such book for the inspection of any officer of Customs, who shall be at liberty to make any note or remark therein; and if upon examination any package entered in the cargo-book as containing foreign goods shall be found not to contain such goods, such package, with its contents, shall be forfeited, or if any package shall be found to contain foreign goods not entered in such book, such goods shall be forfeited; and if such master shall fail correctly to keep such cargo-book, or to produce the same, or if at any time there be found on board such ship any goods not entered in such book as laden, or any goods noted as delivered, or if any goods entered as laden or any goods not noted as delivered be not on board, the master of such ship shall forfeit the sum of *twenty* pounds.

Penalty for false entries in such book.

145. Before any coasting ship shall depart from her port or place of lading, an account, with a duplicate thereof, in the form No. 11 in Schedule B. to this Act, and containing the several particulars indicated in or required thereby, and signed by the master, shall be delivered to the collector or other proper officer, who shall retain the duplicate, and return the original, dated and signed by him; and such account shall be the clearance of the ship for the voyage, and the transire or pass for the goods expressed therein; and if the master shall fail to deliver a correct account he shall forfeit a sum of *twenty* pounds; provided that the Commissioners of the Customs may, when deemed by them expedient, permit general transires to be given, under such regulations as they may direct, for the lading and clearance and for the entry and unlading of any coasting ship and goods, but the same may be revoked by notice in writing under the hand of the proper officer delivered to the master or owner of any ship or any of the crew on board.

Account previous to departure to be delivered to collector. Form No. 11.

Commissioners may grant general transires.

146. Within twenty-four hours after the arrival of any coasting ship at the port or place of discharge, and before any goods be unladen, the transire, with the name of the place or wharf where the lading is to be discharged noted thereon, shall be delivered to the collector or other proper officer, who shall note thereon the date of delivery; and if any of the goods on board such ship be subject to any duty of excise, the same shall not be unladen without the authority or permission of the proper officer of excise; and if any goods on board any coasting ship arriving in Great Britain or Ireland from the Isle of Man shall be the growth or produce of that isle, or manufactures of that isle from materials the growth or

Transire to be delivered in 24 hours after arrival.

Inland Revenue goods.

Goods from the Isle of Man.

A.D. 1876.

COASTING TRADE.

produce thereof, or from materials not subject to duty in Great Britain or Ireland, or from materials upon which the duty shall have been paid and not drawn back in Great Britain or Ireland, the same shall not be unladen until a certificate be produced to the collector or other proper officer from the collector or other proper officer at the port or place of shipment, that proof had there been made in manner required by law that such goods were of such growth, produce, or manufacture, as the case may be; and if any goods shall be unladen contrary hereto, the master shall forfeit the sum of *twenty* pounds; and if any goods shall be laden on board any ship and carried coastwise, or be brought to any port or place in the United Kingdom for that purpose, or having been brought coastwise shall be unladen in any such port or place contrary to the Customs Acts, such goods shall be forfeited.

Penalty for illegal unlading.

Forfeiture of goods.

Officer may go on board and examine any coasting ship.

147. Any collector or other proper officer of Customs may go on board any coasting ship in any port or place in the United Kingdom, or at any period of her voyage, search such ship, and examine all goods on board, and all goods then lading or unlading, and demand all documents which ought to be on board such ship, and may require all or any such documents to be brought to him for inspection, and the master of any ship refusing to produce such documents on demand, or to bring the same to the collector or other proper officer when required, shall forfeit the sum of *twenty* pounds.

Goods brought coastwise may be entered outwards without landing.

148. If the master of any ship bringing any goods not liable to duty coastwise from one port of the United Kingdom to another shall desire to proceed with such goods or any of them to parts beyond the seas, he may, subject to such regulations as the Commissioners of Customs may see fit, enter such ship and goods outwards for the intended voyage without first landing the same.

BRITISH POSSESSIONS.

AS TO THE CHANNEL ISLANDS AND OTHER POSSESSIONS.

Powers of Commissioners of Customs as to colonies extended to governors, &c.

149. The powers and authorities vested in the Commissioners of Customs with regard to any act or thing relating to the Customs, or to trade or navigation in any of the British possessions abroad, shall continue to be vested in the governor, lieutenant-governor, or other person administering the government in any such possession, and every act required by any law to be done by or with any particular officer or at any particular place, if done by or with any such officer or at any place appointed or nominated by such governor, lieutenant-governor, or other person so administering

such government, shall be deemed to have been done by or with such particular officer or at such particular place, as the case may be, and as required by law; and all commissions, deputations, and appointments granted to any officers of Customs in force at the commencement of this Act shall have the same force and effect to all intents and purposes as if the same had been granted or made in the first instance by such governor, lieutenant-governor, or person so administering the government of any such possession; and all bonds or other securities which shall have been given by or for any such officers and their respective sureties for good conduct or otherwise shall remain in force, and shall and may be enforced and put in suit at the instance of or by directions of any such governor, lieutenant-governor, or person administering the government of any such possession.

Base coin prohibited to be imported into British possessions.

150. Base or counterfeit coin is hereby absolutely prohibited to be imported or brought, either by sea or inland carriage or navigation, into the British possessions in America and the Mauritius.

Customs Acts to extend to British possessions abroad, except where otherwise provided for.

151. The Customs Acts shall extend to and be of full force and effect in the several British possessions abroad, except where otherwise expressly provided for by the said Acts, or limited by express reference to the United Kingdom or the Channel Islands, and except also as to any such possession as shall by local Act or ordinance have provided, or may hereafter, with the sanction and approbation of Her Majesty and her successors, make entire provision for the management and regulation of the Customs of any such possession, or make in like manner express provisions in lieu or variation of any of the clauses of the said Act for the purposes of such possession.

Foreign reprints of books under copyright prohibited.

152. Any books wherein the copyright shall be subsisting, first composed or written or printed in the United Kingdom, and printed or reprinted in any other country, shall be and are hereby absolutely prohibited to be imported into the British possessions abroad: Provided always, that no such books shall be prohibited to be imported as aforesaid unless the proprietor of such copyright, or his agent, shall have given notice in writing to the Commissioners of Customs that such copyright subsists, and in such notice shall have stated when the copyright will expire; and the said Commissioners shall cause to be made and transmitted to the several ports in the British possessions abroad, from time to time to be publicly exposed there, lists of books respecting which such notice shall have been duly given, and all books imported contrary thereto shall be forfeited; but nothing herein contained shall be taken to prevent Her Majesty

A.D. 1876. — BRITISH POSSESSIONS.

from exercising the powers vested in her by the tenth and eleventh Victoria, chapter ninety-five, intituled "An Act to amend the Law "relating to the protection in the colonies of works entitled to "copyright in the United Kingdom," to suspend in certain cases such prohibition.

Foreign manufactures with British marks.

153. If any articles of foreign manufacture, and any packages of such articles, bearing any names, brands, or marks being or purpurporting to be the names, brands, or marks of manufacturers resident in the United Kingdom, shall be imported into any of the British possessions abroad, the same shall be forfeited.

Ship and cargo to be reported on arrival.

Particulars of report.

154. The master of every ship arriving in the Channel Islands, whether laden or in ballast, shall come directly, and before bulk be broken, to the Custom House for the port or district where he arrives, and there make a report in writing to the proper officer of Customs, in the same form and manner as herein-before provided on the arrival of any ship in Great Britain or Ireland from parts beyond the seas, so far as the same may be applicable; and if any goods be unladen from any ship before such report be made, or if the master fail to make such report, or make an untrue report, or do not truly answer the questions demanded of him, he shall forfeit the sum of *fifty* pounds, and if any goods be not reported such goods shall be forfeited.

Penalty for false report.

Entry of goods to be laden or unladen.

Regulations inwards and outwards.

155. No goods shall be laden or water-borne to be laden on board any ship, or unladen from any ship, in the Channel Islands, until due entry shall have been made of such goods and warrant granted for the lading or unlading of the same; and no goods shall be so laden or water-borne or so unladen in the said Channel Islands except at some place at which an officer of the Customs is appointed to attend the lading and unlading of goods, or at some place for which a sufferance shall be granted by the proper officer of Customs for the lading and unlading of such goods, and in the presence or with the permission of such officer; but the Commissioners of Customs may make such regulations for the carrying coastwise of any goods, or for the removing of any goods for shipment in the said islands, as to them shall appear expedient; and all goods laden, water-borne, or unladen contrary hereto, or to any regulations to be so made, shall be forfeited.

Regulations coastwise.

Forfeiture.

Goods grown or manufactured in Channel Islands.

156. Any goods of the growth of the Channel Islands, and any goods manufactured in the said islands from materials of the growth of the said islands, or from materials not subject to duty in Great Britain or Ireland, or from materials upon which the duty has been paid in Great Britain or Ireland, and upon which no drawback has

British Possessions.

Duty free.

subsequently been granted, may be imported into Great Britain or Ireland from the said islands respectively without payment of any duty, and such goods shall not be deemed to be included in any charge of duties imposed by any Act on the importation of goods generally from parts beyond the seas, except as herein-after provided; and any person who is about to export from the Channel Islands to Great Britain or Ireland any such goods may go before a magistrate of such islands and make and sign before him a declaration that such goods, stating the quantity, quality, and description thereof, and the number and denomination of the packages containing the same, are of such growth or produce or of such manufacture, and such magistrate shall administer and sign such declaration; and thereupon the governor, lieutenant-governor, or other proper authority of the island from which the goods are to be exported shall, upon the delivery to him of such declaration, grant a certificate under his hand of the proof contained in such declaration, stating the ship in which and the port to which the goods are to be exported; and such certificate shall be the proper document to be produced at such port in proof that the goods mentioned therein are of the growth, produce, or manufacture of such island respectively, and before any such goods shall be admitted to entry at any port in Great Britain or Ireland as being the produce of the said islands (if any benefit attach to such distinction), the master of the ship importing the same shall deliver such certificate to the collector or other proper officer: Provided always, that such goods shall be charged with any proportion of such duties as shall fairly countervail any duties of excise payable on the like goods the produce or manufacture of the part of Great Britain or Ireland into which they shall be imported, or payable upon any of the materials from which such goods are manufactured; and all goods manufactured in any of the said islands from any other materials than the materials aforesaid shall be declared and taken to be foreign goods.

Master to deliver certificate of produce.

Prohibited goods not to be shipped from the Channel Islands to the United Kingdom.

157. If in the Channel Islands any goods, the importation whereof into the United Kingdom is prohibited, or any goods in any packages or in any manner in which the same cannot be legally imported into the United Kingdom, shall be found concealed or prepared for shipment, or be shipped, removed, or brought to any wharf, quay, or other place in the said islands, or be water-borne to be shipped on board any ship without the authority of the proper officers of Customs of the said islands, such goods shall be forfeited, and any person who shall so ship, bring, or water-bear to be shipped any such goods, or be otherwise knowingly concerned therein, or in

A.D. 1876.

BRITISH POSSESSIONS.

whose custody or possession the same shall be found, shall forfeit the sum of *one hundred* pounds, or treble the value of the goods, at the election of the Commissioners of Customs.

Ships not to sail from Channel Islands without clearance.

158. No ship or boat belonging wholly or in part to Her Majesty's subjects shall sail from the Channel Islands without a clearance, whether in ballast or having a cargo; and if with cargo, the master shall give bond to Her Majesty in double the value of such cargo for the due landing thereof at the port for which such ship or boat clears; and shall truly answer such questions as may be put to him by the principal or other proper officer of Customs touching such ship and her intended voyage; and every such ship or boat not having such clearance, or which, having a clearance for her cargo, shall be found light, or to have discharged any part of her cargo before arrival at the port or place of discharge specified in the clearance, shall be forfeited; and the master of every ship so departing without clearance, or refusing to answer or not answering truly any such questions, or discharging any part of the cargo of such ship before arrival at her port or place of discharge, shall forfeit the sum of *fifty* pounds.

Penalty.

Stores for vessels departing from the Channel Islands.

159. The Commissioners of Customs may from time to time establish regulations as to the quantities, custody, and disposal of tobacco, spirits, and tea to be used as stores by the master, crew, and passengers of any vessel about to depart from the Channel Islands to any port in the United Kingdom, or to any fishing grounds at sea, having regard to the time that will be occupied in the contemplated voyage, the tonnage of the vessel, and the number of her crew and passengers, the particulars of such stores to be noted on the clearance of the vessel; and if they or any part thereof be landed in the United Kingdom from the said vessel contrary to the regulations so established, or without the knowledge or permission of the proper officer of the Customs, they shall be forfeited, and the master of such vessel shall, on proof of any such landing or unshipment, forfeit the penalty of *twenty* pounds, and if any stores in excess of the quantity allowed by such regulations be found on board any ship so about to depart, they shall be forfeited.

Application of penalties.

160. All penalties and forfeitures recovered in the Channel Islands under this or any Act relating to the Customs shall be paid into the hands of the principal officer of the port or place where the same shall have been recovered, and shall be divided, paid, and applied as follows; (that is to say,) after deducting the charges and expenses incurred in respect thereof, one moiety of the net produce shall be paid to the Receiver-General of the islands, and

the other moiety to or amongst the seizor or other persons by or through whom or whose information such seizure may have been effected, in such manner and proportion as the Commissioners of Customs may direct, except where such seizures shall have been made at sea by the commander or officer of any of Her Majesty's ships of war duly authorised to make seizures, in which case such last-mentioned moiety shall be paid to such commander or officer for distribution in the usual way; and where such seizure shall consist of tobacco or spirits, the Commissioners of Customs may allow to such seizor or other persons such further reward as they see fit, not exceeding in any case the sum of *five* pounds.

Reward to officers for seizures in Channel Islands.

161. All laws, byelaws, usages, or customs at this time, or which hereafter shall be in practice, or endeavoured or pretended to be in force or practice, in any of the British possessions, which are in anywise contrary to the Customs Acts, are and shall be null and void.

Colonial laws repugnant to Acts of Parliament void.

162. No spirits (except rum or British spirits) shall be imported into or exported from the Channel Islands or any of them, or be removed from any one to any other of the said islands, or be carried coastwise from any one part to any other part of any one of the said islands, or shall be shipped in order to be so removed or carried in any ship other than of the burden of forty tons or upwards, or in any cask or other vessel capable of containing liquids not being of the size or content of twenty gallons at the least if foreign, or nine gallons at the least if British or Irish; and all spirits imported, exported, removed, carried, shipped, or water-borne to be so shipped, removed, or carried contrary hereto, shall be forfeited, together with the ship, and any boat importing, exporting, removing, or carrying the same: Provided always, that nothing herein contained shall extend to any spirits imported in any such ship in glass bottles as part of the cargo, nor to any spirits being really intended for the consumption of the seamen and passengers of such ship during their voyage and not being more in quantity than is necessary for that purpose, nor to any boat of less burden than ten tons for having on board at any one time any foreign spirits of the quantity of ten gallons or under, such boat having a license from the proper officer of Customs at either of the islands of Guernsey or Jersey for the purpose, being employed in carrying commodities for the supply of the island of Sark, which license such officer is hereby required to grant without fee or reward; but if any such boat shall have on board at any one time any greater quantity of spirits than ten gallons, unless in casks or packages of the size and content of

As to importing and exporting spirits into and from Channel Islands in ships of 40 tons and upwards.

Not to extend to spirits in glass bottles, stores, certain warehoused goods, nor to licensed boats supplying Sark.

A.D. 1876.

BRITISH POSSESSIONS.

twenty gallons at the least if foreign, or nine gallons at the least if British or Irish, such spirits and boats shall be forfeited.

Provision as to importation of tobacco, &c. into Channel Islands.

163. No tobacco, cigars, or snuff shall be imported into the Channel Islands, nor be carried from any one of the said islands to another of them, or from one part of any of the said islands to another part of the same, unless in ships of not less burden than forty tons, nor unless in packages each containing not less than eighty pounds net weight of such tobacco, cigars, or snuff, nor unless the provisions in and under which the like sort of goods may be legally imported into the United Kingdom are complied with; and all tobacco, cigars, or snuff imported into the said islands, or found, carried, shipped, or removed contrary hereto, or which shall be found or discovered to have been on board any ship or boat within one league of the coasts thereof, shall be forfeited, together with the ship or boat.

Malta deemed to be in Europe.

164. The Island of Malta and its dependencies shall be deemed to be in Europe.

BONDS AND OTHER SECURITIES.

As to Bonds and other Securities.

All bonds and securities entered into valid.

165. All bonds and other securities entered into by any person or persons for the performance of any condition, order, or matter relative to the Customs or incident thereto shall be valid in law, and upon breach of any of the conditions thereof may be sued and proceeded upon in the same manner as any bond expressly directed or given by or under the provisions of the Customs Acts; and all bonds relating to the Customs, or for the performance of any condition or matter incident thereto, shall be taken to or for the use of Her Majesty; and all such bonds, except such as are given for securing the due exportation of or payment of duty upon warehoused goods, may, after the expiration of three years from the date thereof, or from the time, if any, limited therein for the performance of the condition thereof, be cancelled by or by the order of the Commissioners of Customs; and all bonds given under the provisions of the Customs Acts by persons under twenty-one years of age shall be valid.

Bonds to be taken to the use of Her Majesty.

Bonds of minors valid.

How bonds satisfied may be discharged.

166. If any bond given under the provisions of the Customs Acts, or in respect of any matter under the control or management of the Commissioners of Customs, shall have been registered in the Court of Common Pleas in England or in the Common Pleas Division of the High Court of Justice in England, or in the office of the Registrar of Judgments in Ireland, and the condition of such bond shall have been satisfied, the Commissioners of Customs, by

certificate under the hands of any two or more of them, may authorise the proper officer of the said court or office of Registrar of Judgments, as the case may be, to enter up satisfaction on the record of such bond or obligation; and such certificate may be in the form or to the effect following:

'This is to certify that the following bond has been satisfied and 'cancelled.

Name or Names of the Obligor or Obligors.	Date of Bond.	Penalty.	Condition.	When registered.

'Given under our hands, this day of 187 .

Commissioners of Customs.

'To the senior master or other proper 'officer of the Common Pleas Division 'of the High Court of Justice (*if in 'England*), *or* To the Registrar of 'Judgments (*if in Ireland*), (*as the case 'may be*).'

and upon the receipt of such certificate such officer is required to enter up satisfaction accordingly, whereupon the bond or obligation shall be discharged, and the lands thereby affected shall be released and exonerated from all claims in respect thereof.

Exoneration of estates of obligors.

167. When any bond entered into under the provisions of any of the Customs Acts, or for the performance of any condition, order, or matter incident or relative to the Customs, shall have been registered in the Court of Common Pleas in England, under the Act of the second year of the reign of Her present Majesty, chapter eleven, or in the office of the Registrar of Judgments in Ireland, under the Act of the seventh and eighth years of the reign of Her said Majesty, chapter ninety, and it shall be deemed necessary in the discretion of the Commissioners of Customs to exonerate the whole or any part of the lands of any obligor of such bond from liability in respect thereof, the Commissioners of Customs, by certificate or certificates under the hands of any two or more of them may, first requiring the consent of any co-obligor, if they shall deem it necessary, exonerate and discharge such lands or any part thereof, as the case may require, and such certificate may be in the form or to the effect following:

A.D. 1876.

BONDS AND OTHER SECURITIES. Form of certificate of exoneration.

'By a bond or obligation bearing date the day of 18 [*name of obligor seeking exoneration*], of [*residence and description of obligor*] became bound to Her Majesty, her heirs and successors, in the sum of , conditioned as therein mentioned; and the said bond was, on the day of 18 , duly recorded in the Court of Common Pleas [*if in England, or* filed in the office of the Registrar of Judgments, *if in Ireland*] in pursuance of the Act [*state the Act under which the bond was registered*].

'This is to certify, that all the estate, lands, tenements, and hereditaments [*if the whole are to be discharged*] *or* [*here set out the particular lands, tenements, and hereditaments exonerated, if part only are to be discharged, adding the following words*] being part of the estate, lands, tenements, and hereditaments of the said [*name of obligor seeking exoneration*] are wholly exonerated and discharged from all claims of Her Majesty, her heirs or successors, or of the Commissioners of Customs on her or their behalf, in respect of such bond or obligation.

"Given under our hands this day of 18 .

"(Signed)_____

Commissioners of Her Majesty's Customs.'

Certificates to be sufficient evidence of exoneration.

and the lands mentioned in such certificate or certificates shall thereupon be held wholly exonerated and discharged from all liability in respect of such bond or obligation, and every such certificate shall be accepted by all persons and in all courts as sufficient evidence of the exoneration of the lands therein described.

FALSE DECLARATIONS.

AS TO MAKING AND SIGNING FALSE DECLARATIONS RELATING TO THE CUSTOMS, FALSELY ANSWERING QUESTIONS, AND COUNTERFEITING DOCUMENTS.

Penalty on making false declarations, signing false documents, and untruly answering questions, and counterfeiting and using false documents.

168. If any person shall in any matter relating to the Customs or under the control or management of the Commissioners of Customs, make and subscribe, or cause to be made and subscribed, any false declaration, or make or sign any declaration, certificate, or other instrument required to be verified by signature only, the same being false in any particular, or if any person shall make or sign any declaration made for the consideration of the Commissioners of Customs on any application presented to them, the same being untrue in any particular, or if any person required by this or any other Act relating to the Customs to answer questions put to him by the officers of Customs shall not truly answer such questions, or if any person shall counterfeit, falsify, or wilfully use when

counterfeited or falsified, any document required by this or any Act relating to the Customs or by or under the directions of the Commissioners of Customs, or any instrument used in the transaction of any business or matter relating to the Customs, or shall alter any document or instrument after the same has been officially issued, or counterfeit the seal, signature, initials, or other mark of or used by any officer of the Customs for the verification of any such document or instrument, or for the security of goods, or any other purpose in the conduct of business relating to the Customs or under the control or management of the Commissioners of Customs or their officers, every person so offending shall for every such offence forfeit the penalty of *one hundred* pounds.

A.D. 1876.

False Declarations.

As to the Restrictions on Small Craft, and the Regulations for the Prevention of Smuggling.

Smuggling.

Restrictions on small craft.

169. The Commissioners of Customs may from time to time, by order under their hands, make such general regulations as they shall deem expedient in respect of vessels and boats not exceeding one hundred tons burden, for the purpose of prescribing, with reference to the tonnage, build, or description of such vessels or boats, the limits within which the same may be employed, the mode of navigation, the manner in which such vessels or boats shall be so employed, and, if armed, the number and description of arms, the quantity of ammunition, and such other terms, particulars, conditions, and restrictions as the said Commissioners may think fit, and also from time to time may revoke, alter, or vary such regulations; and the general regulations made under any former Act, and in force at the time of the passing of this Act, shall remain and continue in force until altered, varied, or revoked.

Commissioners may make general regulations for vessels and boats not exceeding 100 tons.

170. Every ship or boat which shall be used or employed in any manner contrary to the regulations prescribed by the Commissioners of Customs shall be liable to forfeiture, unless the same shall have been specially licensed by the Commissioners of Customs to be so used or employed, as next herein-after provided.

Vessels and boats used contrary to regulations forfeited.

171. The Commissioners of Customs may, if they shall so think fit, grant licenses in respect of any vessels or boats not exceeding one hundred tons burden, upon such terms and conditions and subject to such restrictions and stipulations as in such licenses mentioned, notwithstanding any general regulations made in pursuance of this Act, whether the said regulations shall be revoked or not; and if any vessel or boat so licensed shall not comply with the conditions imposed by or expressed in any such license, or if

Commissioners of Customs may grant special licenses on terms.

A.D. 1876.

such vessel or boat shall be found without having such license on board, such vessel or boat shall be forfeited.

SMUGGLING.

Vessels made use of in removal of uncustomed or prohibited goods forfeited.

172. If any vessel or boat shall be used in the importation, landing, removal, carriage, or conveyance of any uncustomed or prohibited goods, the same shall be forfeited, and the owner and the master of every such vessel or boat shall each forfeit and pay a penalty equal to the value of such vessel or boat, not in any case exceeding *five hundred* pounds.

Commissioners may revoke licenses.

173. The Commissioners of Customs may revoke, alter, or vary any license or licenses granted under any former Act, or which may hereafter be granted under this or any other Act relating to the Customs.

Regulations to extend to Channel Islands.

174. All the regulations which shall be so made by the Commissioners of Customs relating to vessels and boats, and the power to grant, revoke, or vary such licenses, shall extend to the Channel Islands.

Boats of vessel to have thereon the name of vessel, port, and master.

175. The owner of every ship belonging wholly or in part to any of Her Majesty's subjects shall paint or cause to be painted upon the outside of the stern of every boat belonging to such ship the name of such ship and the port or place to which she belongs, and the master's name withinside the transom, in white or yellow Roman letters, not less than two inches in length, on a black ground, on pain of the forfeiture of every such boat not so marked, wherever the same shall be found.

Boats not belonging to ships to have name of owner and port thereon.

176. The owner of every vessel or boat, whether decked, partially decked, or open, not being of the burthen of one hundred tons, and not belonging to any ship, shall paint or cause to be painted upon the outside of the stern of such boat in white or yellow Roman letters, of not less than two inches in length, on a black ground, the name of the owner of the boat and the port or place to which she belongs, on pain of the forfeiture of such boat not so marked, wherever the same shall be found.

Goods unshipped without payment of duty and prohibited goods liable to forfeiture.

177. If any goods liable to the payment of duties shall be unshipped from any ship or boat in the United Kingdom (Customs or other duties not being first paid or secured), or if any prohibited goods whatsoever shall be imported or brought into any part of the United Kingdom; or if any goods shall be removed from any ship, quay, wharf, or other place, previously to the examination thereof by the proper officer of Customs, or being entered to be warehoused shall be carried into the warehouse, unless under the care or authority of such officer and in such manner and by such roads or

ways and within such time as he shall direct; or if any goods entered to be warehoused, after the landing thereof, shall be removed or withdrawn from any quay, wharf, or other place in the United Kingdom, so that no sufficient account is taken thereof by the proper officer, or so that the same are not duly warehoused; or if any goods whatever which shall have been warehoused or otherwise secured in the United Kingdom, either for home consumption or exportation, or shall have been delivered from any warehouse or other place without payment of duty for removal to any other warehouse or place shall be clandestinely or illegally removed from or out of any warehouse or place of security, or shall not be duly delivered at the place, at which such goods were destined to be removed; or if any goods which are prohibited to be exported shall be put on board any ship or boat with intent to be laden or shipped for exportation, or shall be brought to any quay, wharf, or other place in the United Kingdom in order to be put on board any ship for the purpose of being exported; or if any goods which are prohibited to be exported shall be found in any package produced to any officer of Customs as containing goods not so prohibited; or if any goods subject to any duty or restriction in respect of importation, or which are prohibited to be imported into the United Kingdom, shall be found or discovered to have been concealed in any manner on board any ship or boat within the limits of any port of the United Kingdom, or shall be found either before or after landing to have been concealed in any manner on board any such ship or boat, within such limits as aforesaid; then and in every of the foregoing cases all such goods shall be forfeited, together with any goods which shall be found packed with or used in concealing them.

Goods illegally removed from warehouse.

Prohibited goods shipped or water-borne with intent to be exported, &c.

Goods concealed on board, and goods packed therewith, forfeited.

178. All goods the importation of which is in any way restricted, which are of a description admissible to duty, and which shall be found or seized in the United Kingdom under the Customs Acts, shall, for the purpose of proceeding for the forfeiture of them or for any penalty incurred in respect of them, be deemed and taken to be, on the trial or hearing thereof, goods liable to and unshipped without payment of duties, unless the contrary be proved.

Restricted goods to be deemed run.

179. If any ship or boat shall be found or discovered to have been within any port, bay, harbour, river, or creek of the United Kingdom or the Channel Islands, or within three leagues of the coast thereof if belonging wholly or in part to British subjects, or having half the persons on board subjects of Her Majesty, or within one league if not British, having false bulkheads, false bows, double sides or bottom, or any secret or disguised place adapted

Any vessel or boat arriving within the United Kingdom or of the Channel Islands, or within three leagues thereof,

A.D. 1876.

Smuggling.

Smuggling, having prohibited goods on board or attached thereto, forfeited.

for concealing goods, or any hole, tube, pipe, or device adapted for running goods, or having on board or in any manner attached thereto, or having had on board or in any manner attached thereto, or conveying or having conveyed in any manner any spirits, tobacco, or snuff, in packages of any size and character in which they are prohibited to be imported into the United Kingdom or the Channel Islands, or any spirits or tobacco or snuff imported contrary to the Customs Acts, or any tobacco stalks, tobacco stalk flour, or snuff work, or which shall be found or discovered to have been within three leagues of any part of the coast of the United Kingdom from which any part of the lading of such ship or boat shall be or have been thrown overboard, or on board which any goods shall be or have been staved or destroyed to prevent seizure, every such ship or boat, together with any such spirits, tobacco, or snuff, tobacco stalks, tobacco stalk flour, or snuff work, and all packages, casks, or other vessels containing the same, and everything packed therein, and also any cordage or other articles adapted and prepared for slinging or sinking small casks, or any casks or other vessels whatsoever of less size or content than twenty gallons of the description used for the smuggling of spirits found on board shall be forfeited; and every person who shall be found or discovered to have been on board any ship or boat liable to forfeiture as aforesaid, within three leagues of the coast if a British subject, or within one league if a foreigner, or on board any vessel in Her Majesty's service, or on board any foreign post office packet employed in carrying mails between any foreign country and the United Kingdom having on board any spirits or tobacco in such packages as aforesaid, or any tobacco stalks, tobacco stalk flour, or snuff work, shall forfeit a sum not exceeding *one hundred* pounds; and every such person may be detained and taken before any justice, to be dealt with as herein-after directed; provided that no person shall be detained whilst actually on board any vessel in the service of a foreign state or country.

Prohibited goods shipped or water-borne with intent to be exported, &c.

Persons found or discovered to have been on board vessels with contraband goods may be detained.

Ships belonging to Her Majesty's subjects, or having one half of the persons on board subjects of Her Majesty, throwing overboard any goods during chase

180. If any ship or boat belonging wholly or in part to Her Majesty's subjects, or having one half of the persons on board subjects of Her Majesty, shall not bring to upon signal made by any vessel or boat in Her Majesty's service or in the service of the Revenue, by hoisting the proper pendant and ensign, whereupon chase shall be given, and any person on board such ship or boat shall, during chase or before such ship or boat shall bring to, throw overboard any part of her lading, or shall stave or destroy any part thereof to prevent seizure, such ship or boat shall be forfeited; and

Smuggling.

all persons escaping from any such ship or boat during chase shall be deemed subjects of Her Majesty, unless the contrary be proved.

forfeited, and persons escaping deemed British subjects.

181. If any ship or boat liable to seizure or examination under the Customs Act shall not bring to when required so to do, the master of such ship or boat shall forfeit the sum of *twenty* pounds; and on such ship or boat being chased by any vessel or boat in Her Majesty's navy, having the proper pendant and ensign of Her Majesty's ships hoisted, or by any vessel or boat duly employed for the prevention of smuggling, having a proper pendant and ensign hoisted, it shall be lawful for the captain, master, or other person having the charge or command of such vessel or boat in Her Majesty's navy, or employed as aforesaid (first causing a gun to be fired as a signal) to fire at or into such ship or boat, and such captain, master, or other person acting in his aid or by his direction shall be and is hereby indemnified and discharged from any indictment, penalty, action, or other proceeding for so doing.

Ships not bringing to when required to, penalty 20*l.*

Not bringing to, may be fired into.

182. Any officer of Customs or other person duly employed for the prevention of smuggling may go on board any ship or boat which shall be within the limits of any port of the United Kingdom or the Channel Islands, and rummage and search the cabin and all other parts of such ship or boat for prohibited or uncustomed goods, and remain on board such ship or boat so long as she shall continue within the limits of such port.

Ships may be searched within the limits of the ports.

183. If any ship or boat whatever shall be found within the limits of any port of the United Kingdom with a cargo on board, and such ship or boat shall afterwards be found light or in ballast, and the master is unable to give a due account of the port or place within the United Kingdom where such ship or boat shall have legally discharged her cargo, such ship or boat shall be forfeited.

Ships in port with a cargo, and afterwards found light or in ballast, and cargo unaccounted for, forfeited.

184. Any officer of Customs or other person duly employed in the prevention of smuggling may search any person on board any ship or boat within the limits of any port in the United Kingdom or the Channel Islands, or any person who shall have landed from any ship or boat, provided such officer or other person duly employed as aforesaid shall have good reason to suppose that such person is carrying or has any uncustomed or prohibited goods about his person; and if any person shall rescue, destroy, or attempt to destroy any goods to prevent seizure, or obstruct any such officer or other person duly employed as aforesaid in going, remaining, or returning from on board, or in searching such ship or boat or person, or otherwise in the execution of his duty, every such person shall forfeit a sum not exceeding *one hundred* pounds.

Persons may be searched if officers have reason to suspect smuggled goods are concealed upon them.

A.D. 1876.

SMUGGLING.

Persons before search may require to be taken before a justice or officer of Customs.

Penalty on officers for misconduct.

185. Before any person shall be searched he may require to be taken with all reasonable despatch before a justice, or before the collector or other superior officer of Customs, who shall, if he see no reasonable cause for search, discharge such person, but if otherwise, direct that he be searched, and if a female she shall not be searched by any other than a female; but if any officer shall without reasonable ground cause any person to be searched, such officer shall forfeit and pay a sum not exceeding *ten* pounds. If any passenger or other person on board any such ship or boat, or who may have landed from any such ship or boat, shall, upon being questioned by any officer of Customs or other person duly employed for the prevention of smuggling whether he has any foreign goods upon his person or in his possession or in his baggage, deny the same, and any such goods shall after such denial be discovered to be or to have been upon his person or in his possession or in his baggage, such goods shall be forfeited, and such person shall forfeit *one hundred* pounds, or treble the value of such goods, at the election of the Commissioners of Customs.

Penalty on persons denying having foreign goods about them.

Illegally importing.

186. Every person who shall import or bring, or be concerned in importing or bringing into the United Kingdom any prohibited goods or any goods the importation of which is restricted, contrary to such prohibition or restriction, whether the same be unshipped or not; or shall unship, or assist or be otherwise concerned in the unshipping of any goods which are prohibited, or of any goods which are restricted and imported contrary to such restriction, or of any goods liable to duty, the duties for which have not been paid or secured; or shall deliver, remove, or withdraw from any ship, quay, wharf, or other place previous to the examination thereof by the proper officer of Customs, unless under the care or authority of such officer, any goods imported into the United Kingdom or any goods entered to be warehoused after the landing thereof, so that no sufficient account is taken thereof by the proper officer, or so that the same are not duly warehoused; or shall carry into the warehouse any goods entered to be warehoused or to be re-warehoused, except with the authority or under the care of the proper officer of the Customs, and in such manner, by such persons, within such time, and by such roads or ways as such officer shall direct; or shall assist or be otherwise concerned in the illegal removal or withdrawal of any goods from any warehouse or place of security in which they shall have been deposited; or shall knowingly harbour, keep, or conceal, or knowingly permit or suffer, or cause or procure to be harboured, kept, or concealed, any prohibited, restricted, or uncustomed goods, or any goods which shall have been illegally

Unshipping.

Removing from quay, wharf, &c.

Carrying goods into warehouse without authority.

Removing from warehouse.

Harbouring.

removed without payment of duty from any warehouse or place of security in which they may have been deposited; or shall knowingly acquire possession of any such goods; or shall be in any way knowingly concerned in carrying, removing, depositing, concealing, or in any manner dealing with any such goods with intent to defraud Her Majesty of any duties due thereon, or to evade any prohibition or restriction of or applicable to such goods; or shall be in any way knowingly concerned in any fraudulent evasion or attempt at evasion of any duties of Customs, or of the laws and restrictions of the Customs relating to the importation, unshipping, landing, and delivery of goods, or otherwise contrary to the Customs Acts; shall for each such offence forfeit either treble the value of the goods, including the duty payable thereon, or *one hundred* pounds, at the election of the Commissioners of Customs; and the offender may either be detained or proceeded against by summons.

A.D. 1876.

SMUGGLING.

Carrying.

Evading duties of Customs.

Penalty treble value, or 100*l.*

187. Every person who shall rescue, or endeavour to rescue, any goods seized by any officer of Customs or other person authorised to seize the same, or before or after seizure shall stave, break, or destroy, or endeavour to stave, break, or destroy any goods, to prevent the seizure or the securing thereof by such officer or other person; or shall rescue any person apprehended for any offence punishable by fine or imprisonment under the Customs Acts, or prevent or attempt to prevent his apprehension; or shall assault or obstruct any officer of the army, navy, marines, coastguard, Customs, or other person duly employed for the prevention of smuggling, in the execution of his duty, or in the seizing of any goods liable to forfeiture under the Customs Acts, or shall aid, abet, or assist in committing any of the foregoing offences, shall for each such offence forfeit a penalty of *one hundred* pounds.

Rescuing goods.

Rescuing person.

Assaulting, resisting, or obstructing officers.

188. All persons to the number of three or more who shall assemble for or having so assembled shall unship, land, run, carry, convey, or conceal any spirits, tobacco, or prohibited, restricted, or uncustomed goods shall each forfeit a penalty not exceeding *five hundred* pounds nor less than *one hundred* pounds.

Penalty for assembling to run goods.

189. Every person who shall by any means procure or hire, or shall depute or authorise any other person to procure or hire, any person or persons to assemble for the purpose of being concerned in the landing or unshipping, or carrying, conveying, or concealing any goods which are prohibited to be imported, or the duties for which have not been paid or secured, shall be imprisoned for any term not exceeding twelve months; and if any person engaged in the commission of any of the above offences be armed with fire-

Procuring or hiring persons to assemble to run goods.

Persons armed or disguised.

A.D. 1876.

Smuggling. With goods within five miles of coast.

arms or other offensive weapons, or whether so armed or not be disguised in any way, or being so armed or disguised shall be found with any goods liable to forfeiture under the Customs Acts within five miles of the seacoast or of any tidal river, shall be imprisoned with or without hard labour for any term not exceeding three years.

Persons signalling smuggling vessels may be detained and forfeit 100*l.*, or be kept to hard labour for one year.

190. No person shall, after sunset and before sunrise between the twenty-first day of September and the first day of April, or after the hour of eight in the evening and before the hour of six in the morning at any other time of the year, make, aid, or assist in making any signal in or on board or from any ship or boat, or on or from any part of the coast or shore of the United Kingdom, or within six miles of any part of such coast or shore, for the purpose of giving notice to any person on board any smuggling ship or boat, whether any person so on board of such ship or boat be or not within distance to notice any such signal; and if any person, contrary to the Customs Acts, shall make or cause to be made, or aid or assist in making, any such signal, he shall be guilty of a misdemeanor, and may be stopped, arrested, detained, and conveyed before any justice, who, if he see cause, shall commit the offender to the next county gaol, there to remain until delivered by due course of law; and it shall not be necessary to prove on any indictment or information in such case that any ship or boat was actually on the coast; and the offender, being duly convicted, shall, by order of the court before whom he shall be convicted, either forfeit the penalty of *one hundred* pounds, or, at the discretion of such court, be committed to a gaol or house of correction, there to be kept to hard labour for any term not exceeding one year.

Proof of a signal not being intended on defendant.

191. If any person be charged with having made or caused to be made, or for aiding or assisting in making, any such signal as aforesaid, the burden of proof that such signal so charged as having been made with intent and for the purpose of giving such notice as aforesaid was not made with such intent and for such purpose shall be upon the defendant against whom such charge is made.

Any person may prevent signals, and enter lands for that purpose.

192. Any person whatsoever may prevent any signal being made as aforesaid, and may go upon any lands for that purpose, without being liable to any indictment, suit, or action for the same.

Persons shooting at boats belonging to navy or revenue service, guilty of felony.

193. If any person shall maliciously shoot at any vessel or boat belonging to Her Majesty's navy, or in the service of the revenue, or shall maliciously shoot at, maim, or wound any officer of the army, navy, marines, or coastguard being duly employed in the prevention of smuggling and on full pay, or any officer of Customs or Excise, or any person acting in his aid or assistance, or duly

employed for the prevention of smuggling, in the execution of his office or duty, every person so offending, and every person aiding, abetting, or assisting therein, shall, upon conviction, be adjudged guilty of felony, and shall be liable, at the discretion of the court, to penal servitude for any term not less than *five* years, or to be imprisoned for any term not exceeding *three* years.

Officers may haul their vessels on shore without being liable to suit.

194. The officer in charge of any vessel or boat employed for the prevention of smuggling or acting in his aid may haul any such vessel or boat upon any part of the coasts of the United Kingdom, or the shores, banks, or beaches of any river, creek, or inlet of the same, (not being a garden or pleasure ground, or place ordinarily used for any bathing machine or machines,) which shall be deemed most convenient for that purpose, and moor any such vessel or boat on such part of the aforesaid coasts, shores, banks, and beaches below high-water mark, and over which the tide flows on ordinary occasions, and to continue such vessel or boat so moored as aforesaid for such time as he shall deem necessary and proper; and such officer, or person aiding him, shall not be liable to any indictment, action, or suit for so doing.

Penalty on persons cutting adrift vessels belonging to the Customs.

195. Every person who shall cut away, cast adrift, remove, alter, deface, sink, or destroy, or in any other way injure or conceal any vessel, boat, buoy, anchor, chain, rope, or mark in the charge of or used by any person for the prevention of smuggling, or in or for the use of the service of the Customs, shall for every such offence forfeit the sum of *ten* pounds.

Officers of army, &c. may patrol coasts without being liable to suit.

196. Any officer of the army, navy, marines, or coastguard being duly employed for the prevention of smuggling and on full pay, or any officer of Customs, or any person acting in his aid, or duly employed for the prevention of smuggling, when on duty, may patrol upon and pass freely along and over any part of the coasts of the United Kingdom, or any railway, or the shores or banks of any river, creek, or inlet of the same (not being a garden or pleasure ground); and any such officer or person so patrolling shall not be liable to any indictment, action, or suit for so doing.

Where persons are taken before justices for offences under the Customs Acts, such justices may order them to be de-

197. Any person brought before any justice for any offence against the Customs Acts, in respect of which such justice is not empowered to proceed summarily, may by his order be detained in gaol or in the custody of the police or constabulary force a reasonable time to obtain the order of the Commissioners of Customs or Inland Revenue, and to prepare the necessary information and warrant of commitment, and at the expiration of such time to be brought before him or any other justice to hear and determine the

A.D. 1876.

SMUGGLING.

matter; or if any information shall have been preferred before any justice against any person for any such offence, and it shall be made to appear to such justice that such person is likely to abscond, such justice may, in lieu of issuing a summons for his appearance, grant his warrant to bring such offender before him or any other justice at a time and place to be named in such warrant for the hearing of such information, but such person may be liberated, on giving security to the satisfaction of such justice in such sum as he may see fit, to appear at any time and place appointed by such justice for hearing the case.

tained or admitted to bail.

Persons in Her Majesty's service detained to be secured on board until warrant procured.

198. Where any person, being part of the crew of any ship in Her Majesty's employment or service, shall have been detained under the Customs Acts, such person, upon notice thereof to the commanding officer of the ship, shall be placed in security by such commanding officer on board such ship or vessel, until required to be brought before a justice to be dealt with according to law, for which purpose such commanding officer shall deliver him to the detaining officer.

Any person escaping may afterwards be detained.

199. If any person liable to be detained under the Customs Acts shall not be detained at the time of committing the offence, or being detained shall escape, he may afterwards be detained at any place in the United Kingdom within three years from the time such offence was committed, and if detained may be taken before any justice to be dealt with as if he had been detained at the time of committing such offence, or if not so detained may be proceeded against by information and summons.

None but officers to take up spirits in casks sunk or floating upon the sea, and persons giving information may be rewarded.

200. If any person not being an officer of the navy, Customs, or Excise shall intermeddle with or take up any spirits being in casks of less content than twenty gallons found floating upon or sunk in the sea, such spirits shall be forfeited, together with any vessel or boat in which they may be found; but if any person shall give information to any such officer so that seizure of such spirits may be made, he shall be entitled to such reward as the Commissioners of Customs may direct.

Penalty for offering goods for sale on pretence of being smuggled.

201. If any person shall offer for sale any goods under pretence that the same are prohibited, or have been unshipped and run ashore without payment of duties, all such goods (although not liable to any duties or prohibited) shall be forfeited, and every person so offering the same for sale shall forfeit treble the value of such goods.

Ships, &c. used in the removal of

202. All ships, boats, carriages, or other conveyances, together with all horses and other animals and things made use of in the

Smuggling. raw goods to be forfeited.

importation, landing, removal, or conveyance of any uncustomed, prohibited, restricted, or other goods liable to forfeiture under the Customs Acts shall be forfeited, and all ships, boats, goods, carriages, or other conveyances, together with all horses and other animals and things liable to forfeiture, and all persons liable to be detained for any offence under the Customs Acts, or any other Act whereby officers of Customs are authorised to seize or detain persons, goods, or other things, shall or may be seized or detained in any place either upon land or water by any of the following persons, being duly employed for the prevention of smuggling, that is to say, any officer of Her Majesty's army, navy, marines, coastguard, Customs, or Excise, or by any person having authority from the Commissioners of Customs or Inland Revenue to seize, or by any constable or police officer of any county, city, or borough in the United Kingdom so employed with the sanction of the magistrates having jurisdiction therein, or under or by virtue of any Act in relation thereto; and all ships, boats, goods, carriages, or other conveyances, together with all horses and other animals and things so seized, shall forthwith be delivered into the care of the collector or other proper officer of Customs at the nearest Custom House; and the forfeiture of any ship, boat, carriage, animal, or other things shall be deemed to include the tackle, apparel, and furniture thereof, and the forfeiture of any goods shall be deemed to include the package in which the same are found and all the contents thereof.

Ships, boats, &c. and persons may be detained.

Seizures to be taken to the nearest Custom House.

Officers of Customs may on probable cause stop carts, &c., and search for goods.

203. Any officers of Customs, Excise, coastguard, constabulary, police, or other person duly employed for the prevention of smuggling, may upon reasonable suspicion or probable cause stop and examine any cart, waggon, or other conveyance, to ascertain whether any smuggled goods are contained therein; and if none shall be found the officer or other person shall not on account of such stoppage and examination be liable to any prosecution or action at law on account thereof, and any person driving or conducting such cart, waggon, or other conveyance refusing to stop or allow such examination when required in the Queen's name, shall forfeit not less than *twenty* nor more than *one hundred* pounds.

Officers authorised by writ of assistance or warrant may search houses for uncus-

204. All writs of assistance issued from the Court of Exchequer or other proper court shall continue in force during the reign for which they were granted and for six months afterwards; and any officer of Customs or person acting under the direction of the Commissioners of Customs having such writ of assistance or any warrant

A.D. 1876.

SMUGGLING.

issued by a justice of the peace may, in the daytime, enter into and search any house, shop, cellar, warehouse, room, or other place, and in case of resistance, break open doors, chests, trunks, and other packages, and seize and bring away any uncustomed or prohibited goods, and put and secure the same in the Queen's warehouse, and may take with him any constable or police officer who may act as well without as within the limits of the district or place for which he shall have been sworn or appointed.

Uncustomed or prohibited goods.

Officers may search premises by warrant granted on reasonable cause shown.

205. If any officer of Customs shall have reasonable cause to suspect that any uncustomed or prohibited goods are harboured, kept, or concealed in any house or other place either in the United Kingdom or the Channel Islands, and it shall be made to appear by information on oath before any justice of the peace in the United Kingdom or the Channel Islands, it shall be lawful for such justice, by special warrant under his hand, to authorise such officer to enter and search such house or other place, and to seize and carry away any such uncustomed or prohibited goods as may be found therein; and it shall be lawful for such officer, and he is hereby authorised, in case of resistance, to break open any door, and to force and remove any other impediment or obstruction to such entry, search, or seizure as aforesaid; and such officer may if he see fit avail himself of the service of any constable or police officer to aid and assist in the execution of such warrant, and any constable or other police officer is hereby required when so called upon to aid and assist accordingly.

Goods stopped by police officers may be retained until trial of persons charged with stealing them.

206. If any such goods liable to duties of Customs, or prohibited to be imported, or in any way restricted, shall be stopped or taken by any police officer on suspicion that the same had been feloniously stolen, he may carry the same to the police office to which the offender if detained is taken, there to remain until and in order to be produced at the trial of such offender, and in such case the officer is required to give notice in writing to the Commissioners of Customs of such stoppage or detention, with the particulars of the goods, but immediately after such stoppage if the offender be not detained, or if detained immediately after the trial of such offender, such officer shall convey to and deposit the goods in the nearest Customs warehouse, to be proceeded against according to law; and if any police officer so detaining any such goods shall neglect to convey the same to such warehouse, or to give the notice herein-before prescribed, he shall forfeit a sum not exceeding *twenty* pounds.

A.D. 1876.

SMUGGLING.

Notice to be given by seizing officer to owner of ships or goods seized, and seizures to be claimed within one month.

207. Whenever any seizure shall be made, unless in the possession or in the presence of the offender, master, or owner as forfeited under the Customs Acts or under any Act by which Customs officers are empowered to make seizures, the seizing officer shall give notice in writing of such seizure and of the grounds thereof to the master or owner of the things seized, if known, either by delivering the same to him personally or by letter addressed to him and transmitted by post to or delivered at his last known place of abode or business, if known; and all seizures made under the Customs Acts or under any Act by which Customs officers are empowered to make seizures shall be deemed and taken to be condemned, and may be sold or otherwise disposed of in such manner as the Commissioners of Customs may direct, unless the person from whom such seizure shall have been made, or the master or owner thereof, or some person authorised by him, shall, within one calendar month from the day of seizure, give notice in writing, if in London, to the person seizing the same, or to the secretary or solicitor for the Customs, and if elsewhere, to the person seizing the same, or to the collector or other chief officer of the Customs at the nearest port, that he claims the things so seized or intends to claim them, whereupon proceedings shall be taken for the forfeiture and condemnation thereof either by information filed in the Exchequer Division of the High Court of Justice in England on the Revenue side, or exhibited before any justice of the peace; but if any things so seized shall be of a perishable nature, or consist of horses or other animals, the same may by direction of the Commissioners of Customs be sold, and the proceeds thereof retained to abide the result of any claim that may legally be made in respect thereof.

Perishable goods, &c. may be sold.

Seizures may be disposed of as Commissioners of Customs direct.

208. All seizures whatsoever which shall have been made and condemned under the Customs Acts or any other Act by which seizures are authorised to be made by officers of Customs shall be disposed of in such manner as the Commissioners of Customs may direct.

Seizures may be restored and punishments mitigated.

209. When any seizure shall have been made, or any fine or penalty incurred or inflicted, or any person committed to prison for any offence under the Customs Acts, the Commissioners of the Treasury or Customs may direct the restoration of such seizure, whether condemnation shall have taken place or not, or waive proceedings, or mitigate or remit such fine or penalty, or release from confinement either before or after conviction such person on any terms and conditions as they shall see fit.

SMUGGLING.

Compensations and rewards.

As to compensation and rewards.

Officers wounded to be provided for, &c.

210. If any officer or seaman employed in the service of the Customs or Inland Revenue shall be killed, maimed, wounded, or in any way injured in the due execution of his office, or if any person acting in his aid or duly employed for the prevention of smuggling shall be so killed, maimed, wounded, or in any way injured while so aiding such officer or seaman or so employed, the Commissioners of Customs or Inland Revenue respectively may, with the sanction of the Commissioners of the Treasury, make such provision for such officer or person, or for the widows and families of such as shall be killed, as they may see fit.

Rewards for detaining smugglers.

211. The Commissioners of Customs may award to any officer or any person detaining any person liable to detention under the Customs Acts, if convicted, such reward as they may think fit, not exceeding the sum of *twenty* pounds for each person.

Rewards out of penalties.

212. The Commissioners of Customs may order such reward as they see fit out of any pecuniary penalty or composition to any officer or other person by whose means the same is recovered.

Rewards to officers making seizures.

The Treasury or Commissioners of Customs to fix the value of spirits and tobacco.

213. The Commissioners of Customs may order to be paid in respect of any seizure made under the Customs Acts, to the person or persons making the same, such rewards as they may see fit, not exceeding the value of the goods or things so seized, and for this purpose the value of spirits and tobacco seized as aforesaid shall be deemed and taken to be such as the Lords of the Treasury or the Commissioners of Customs may think fit.

How value is to be ascertained.

214. In all cases where any penalty the amount of which is to be determined by the value of any goods is directed to be sued for under any Act relating to the Customs or Excise, such value shall, as regards proceedings in any court or before justices, be estimated and taken according to the rate and price for which goods of the like kind but of the best quality upon which the duties of importation shall have been paid were sold at or about the time of the offence, or according to the rate and price for which the like sort of goods were sold in bond at or about the time of the offence, with the duties due thereon added to such rate or price in bond, except as to tobacco stalks, tobacco stalk flour, and stalk-work, or any tobacco of a kind prohibited to be imported, the value of which shall, for the purpose of any suit or proceeding under this or any Act relating to the Customs, be estimated at the market price of the best sort of tobacco, with the highest rate of duty then chargeable on the importation of manufactured tobacco added thereto.

A.D. 1876.

Smuggling.

All rewards and seizures payable to officers of army, navy, or marines to be regulated by Order in Council.

215. Every reward or share of any seizure or of the value thereof payable to any officer or officers, non-commissioned officers, petty officers, seamen, or privates of Her Majesty's army, navy, or marines, or acting under the orders of the High Lord Admiral or Commissioners of the Admiralty, shall be divided and distributed in such proportions, and according to such rules, regulations, and orders, as Her Majesty shall by Her Order or Orders in Council or by Her Royal Proclamation in that behalf be pleased to direct and appoint.

Commissioners may distribute officers shares of seizure so as to reward persons not actually present.

216. The Commissioners of Customs or Inland Revenue respectively may, in case of any seizure of ships, boats, or goods, or of the apprehension of any parties, under this or any other Act relating to the Customs, direct the distribution of the seizor's share of such ships, boats, or goods, or of any penalties or rewards that may be recovered on account of any seizure so that any other person through whose information or means such seizure shall have been made or penalty recovered or party apprehended, and who may by them be deemed to be so entitled, may participate in such proportions as the said Commissioners shall respectively deem expedient.

As to collusive seizures.

Collusive seizures.

Penalty on officers and persons making collusive seizures, or taking bribes, and on persons offering them.

217. If any officer of customs or other person duly employed for the prevention of smuggling shall make any collusive seizure, or deliver up, or make any agreement to deliver up or not to seize any vessel or boat or any goods liable to forfeiture, or shall take any bribe, gratuity, recompense, or reward for the neglect or non-performance of his duty, or conspire or connive with any person to import or bring into the United Kingdom or the Channel Islands or any of the British Possessions abroad, or be in any way concerned in the importation or bringing into the United Kingdom or the said islands or possessions, of any goods prohibited to be imported or liable to duties of Customs, for the purpose of seizing any ship, boat, or goods, and obtaining any reward for such seizure or otherwise, every such officer or other person shall forfeit for every such offence the sum of *five hundred* pounds, and be rendered incapable of serving Her Majesty in any office, either civil, naval or military; and every person who shall give or offer, or promise to give or procure to be given, any bribe, recompense, or reward to, or shall make any collusive agreement with, any such officer or person as aforesaid to induce him in any way to neglect his duty, or to do, conceal, or connive at any act whereby any of the provisions of any Act of Parliament relating to the Customs may be evaded, shall forfeit the sum of *two hundred* pounds.

A.D. 1876.

LEGAL PROCEEDINGS.

AS TO THE COURSE OF PROCEDURE FOR RECOVERING PENALTIES, ENFORCING FORFEITURES, AND PUNISHING OFFENDERS UNDER THE CUSTOMS ACTS.

How penalties, &c. to be sued for.

218. All duties, penalties, and forfeitures incurred under or imposed by the Customs Acts, and the liability to forfeiture of any goods seized under the authority thereof, may be sued for, prosecuted, determined, and recovered by action, information, or other appropriate proceeding in the High Court of Justice in England, or by action of debt, information, or other appropriate proceeding in the superior courts of common law at Dublin or Edinburgh, or in the royal courts of the Islands of Guernsey, Jersey, Alderney, Sark, or Man, in the name of the Attorney-General for England or Ireland respectively, or of the Lord Advocate of Scotland, or of some officer of Customs or Excise, or by information in the name of some officer of Customs or Excise, before one or more justice or justices in the United Kingdom, the Isle of Man, or the Channel Islands: Provided always, that the forty-fourth section of the second and third Victoria, chapter seventy-one, shall not apply to any offence against the Customs Laws.

Proviso where the duties and penalties sought to be recovered shall not exceed 100*l*.

Execution may issue after trial out of term.

219. In any case where a verdict is or shall have been obtained at the suit of the Crown against any defendant in any of the superior courts, execution thereon may issue on or after the expiration of fourteen days from the date of such verdict, in the same manner as execution may issue in any case under the one hundred and twentieth section of "The Common Law Procedure Act, 1852," unless the judge who tried the cause, or some other judge, or the court, shall order execution to issue at any earlier or later period, with or without terms.

Penalty and costs to be stated in convictions, &c.

220. When any person is convicted and adjudged to pay a pecuniary penalty for any offence against the Customs Acts, and such person shall be committed in default of payment of penalty and costs, the amount of costs awarded to be paid by such person, as well as the penalty so adjudged, shall be stated in the conviction and also in the commitment.

Where proceeding by capias is waived in favour of the subject, justices may issue warrant and admit to bail.

221. Whenever the Commissioners or the proper officer of Customs shall proceed by information against any person for any offence under the Customs Acts before any justice, instead of proceeding in the Exchequer Division of the High Court of Justice, where a capias might be issued for arresting and holding the offender to bail, such justice may, on sufficient information on oath that the offence has been committed, issue his warrant to bring such offender before him or any other justice, and on his being so

brought to require him to give security in such amount as he may deem sufficient to appear before him or any other justice at a time and place appointed for the hearing of the case, and in default of such security to commit such offender to gaol, or to the custody of the police or other constabulary force.

Penalties joint and several may be sued for by joint and several information.

222. When by the Customs Acts a penalty jointly and severally shall have been incurred by any number of persons, such persons may be proceeded against jointly by one information, or severally by separate informations, as Her Majesty's Attorney General for England or Ireland, and as the Lord Advocate of Scotland, or the Commissioners of Customs respectively may deem expedient; and in case of a proceeding against such several persons by joint information for recovery of the penalty or penalties so severally incurred by each, the penalty or penalties shall be recoverable against each, notwithstanding that any one or other of such persons so jointly proceeded against may have allowed judgment to go by confession or default, or that the penalty adjudged to be paid by any one or other of the defendants so jointly sued may be for a different amount from that of the penalty in which any one or other of such several persons may be convicted, or that any one or other of such several persons so jointly prosecuted may be acquitted; and no judgment on any such information shall be reversed or avoided, or error in law alleged therein, on the ground of any such judgment being obtained by confession or default of any of the persons, nor on account of any difference in the amount of the penalty or penalties in which any one or more of such persons may be convicted, or the acquittal of any such persons; but every such judgment shall be valid and effectual against any or all of the said several persons so jointly proceeded against, and for the full amount of the penalty or penalties in which such person or persons shall have been severally or respectively convicted.

Informations, convictions, &c. to be in form, &c. in Schedule.

223. All informations exhibited before any justice for any offence committed against or forfeiture incurred under this or any other Act relating to the Customs, and all summonses, convictions, and condemnations for such offences and forfeitures, and all warrants of any justice founded upon such convictions, may be in the form or to the effect in Schedule C. to this Act; and the form of information given in the said schedule, and the counts therein contained with reference to any offences created by or punishable under the several sections of this Act to which the same or any of them relate, shall be applicable to and sufficient for all purposes in the prosecution of such offences and forfeitures; and where two or more counts

A.D. 1876.

LEGAL PROCEEDINGS.

are given upon the same section those counts may be used which apply most nearly to the circumstances of the case; and any one or more of the said counts may be included in the same information, together with any other count or counts; and any one or more of the words or paragraphs descriptive of offences charged in any one or more of the counts in the same form of information, separated from the others by the word *or* in italics, may be used exclusively of the others, in conjunction with any other part of such form, and in any case, or for any offence or forfeiture for which no count is given in the said schedule, such count or counts may be substituted or added as circumstances may require; and every such information and every conviction and warrant of commitment or condemnation for such offence or forfeiture shall be deemed valid and sufficient in which the offence or forfeiture is set forth either in the words of the Act or Acts by which the penalty for such offence has been inflicted or under which any forfeiture has been incurred, or in the words of the information by this Act prescribed; and where in any such forms the word "Customs" is used to describe the Commissioners or officers of Customs, the words "Inland Revenue" or "Excise" may be substituted, as the case may require, and the like counts shall be applicable to and sufficient for the like purposes, and be used in like manner in any information filed in any court having jurisdiction in such cases under this or any Act relating to the Customs; and no conviction, warrant of commitment, or condemnation shall be held void by reason of any defect therein; and no party shall be entitled to be discharged out of custody on account of such defect, provided it be alleged in such warrant that the said party has been convicted of such offence, and that it shall appear to the court or judge before whom such warrant is returned that such conviction proceeded upon good and valid grounds; and every such warrant may be executed by any officer of Customs, and in any part of the United Kingdom, without further endorsement or sanction than that of the justice issuing the same; and no objection shall be taken or allowed to any information, complaint, or summons for any alleged defect therein in substance or in form, or for any variance between such information, complaint, or summons and the evidence adduced on the part of the informant or complainant at the hearing of such information or complaint.

Justices may summon offender.

224. Upon the exhibiting of any information before any justice against any person for any offence against the Customs Acts for which offence the party charged is not liable to be detained, or being liable shall not be detained, or by which any penalty or for-

feiture shall be sought to be recovered, or any punishment of hard labour sought to be inflicted, within three years next after the commission of the offence, such justice may from time to time and at any time afterwards issue his summons directed to such party, stating shortly the matter of such information, and requiring him personally to appear at a certain time or place before him or any other justice to answer to the said information, and to be further dealt with according to law.

On attendance of the party on the day and place appointed, justices may hear and determine the case.

225. If on the day and at the place appointed in such summons the party so summoned shall appear before such justice, then such justice shall proceed to hear and determine the matter of such information, and on proof thereof, either upon the confession of the party or upon the oath of one or more credible witness or witnesses, shall convict the party charged in such information, but if the party so summoned shall fail so to appear, then if it be proved upon oath or affirmation to the justice then present that such summons was duly served at a reasonable time before the day appointed for his appearance, such justice may proeeed ex-parte to hear such information and adjudicate thereon as if such party had personally appeared before him in obedience to such summons.

On non-appearance, justice to proceed as if he had appeared.

Justices may condemn goods liable to forfeiture.

226. When any information shall have been exhibited before any justice for the forfeiture of any goods seized under the Customs Acts, such justice is hereby required to summon the owner of such goods or the person from whom they were seized to appear before him or any other justice, and upon his or her appearance or default to appear, due service of such summons being proved, such justice may proceed to the examination of the matter, and on proof that the goods are liable to forfeiture under the Customs Acts may condemn the same.

Summons to be served personally, or by leaving same at last known place of abode.

227. Every summons issued by a justice of the peace under the Customs Acts, either to bring any person before him to answer any information or complaint, or any person to appear before him to testify what he may know concerning the matter of such information, wherever in the United Kingdom such person may be or reside, shall be deemed to be sufficiently served by any officer of Customs or other duly authorised person delivering the same to the party summoned personally, or by leaving the same at his last known place of abode or business in the United Kingdom, or on board any ship or vessel to which he may belong or may have lately belonged.

Penalty for neglecting to attend.

228. If any person so summoned to testify as aforesaid shall refuse or neglect to appear at the time and place appointed in such

A.D. 1876.

LEGAL PROCEEDINGS.

summons by the justice issuing the same, and no just excuse shall be offered for such neglect or refusal, then, after due proof of the service of such summons, or if such person having appeared in obedience to such summons shall refuse to take oath, or, if a person having legal power to make affirmation, refuse to affirm, or shall refuse to give evidence or answer to the best of his knowledge and belief any legal question required of him, he shall for every such default or offence forfeit such sum not exceeding *twenty* pounds as the justice shall see fit.

Offences on the water, &c., and jurisdiction.

229. Where any offence shall be committed in any place upon the water not being within any county of the United Kingdom, or where the officers have any doubt whether such place is within the boundaries or limits of any such county, such offence shall for the purposes of the Customs Acts be deemed and taken to be an offence committed on the high seas; and for the purpose of giving jurisdiction under such Acts every offence shall be deemed to have been committed, and every cause of complaint to have arisen, either in the place in which the same actually was committed or arose, or in any place on land where the offender or person complained against may be or be brought.

Justice of adjoining county may act when required.

230. When the attendance of any justice having jurisdiction in the county where the offence is committed cannot be conveniently obtained, any magistrate of any neighbouring or adjoining county to that in which the offence was deemed to have been committed may hear and determine any information exhibited before him, and he shall for that purpose have the same powers and authorities as a justice for the county in which the offence was or was deemed to have been committed.

Justices of counties to have concurrent jurisdiction in cities, boroughs, &c. situate in such counties.

231. Where any offence against the Customs Acts shall be committed in any city, borough, liberty, division, franchise, or town corporate, any justice having jurisdiction therein, and any justice of any county within which the same is or are situated, shall have jurisdiction to hear and determine the same; and all powers vested in any justice of the peace by virtue of this Act shall be and the same are hereby vested in and may be exercised in the Isle of Man or the Channel Islands by any governor, deputy governor, bailiff, chief magistrate, deemster, jurat, or other magistrate of the said isle or islands; and for the purposes of the Customs Acts the jurisdiction of the magistrates of the borough of Gravesend in the county of Kent shall be deemed to extend on the river Thames from Yantlet Creek to Broadness Point in the Northfleet Hope, and shall

include every part of the said river between those limits respectively.

Justice may commit in default of payment of penalty until paid.

232. If any penalty incurred for any offence under the Customs Acts be not paid on conviction, the convicting justice shall forthwith commit the offender to any of Her Majesty's gaols within his jurisdiction, there to remain for such term as is herein-after provided, or until the penalty shall be paid; and "The Small Penalties Act, 1865," shall not apply to any penalty imposed by the Customs Acts; and where such party is convicted of any offence for which the punishment of hard labour is inflicted, such justice shall commit such party to any gaol or house of correction, there to be kept to hard labour for such time as may be authorised by the Customs Acts.

Small Penalties Act, 1865, not applicable to Customs.

Justices may commit in certain cases without order of Commissioners.

When quantity of spirits is less than five gallons, or of tobacco less than 20 lbs.

233. When any person shall be brought before a justice for any offence against the Customs Acts for which a pecuniary penalty is thereby imposed, if the goods in respect of which he shall have been so brought shall not consist of spirits or tobacco, or being spirits or tobacco shall not exceed five gallons of spirits or twenty pounds weight of tobacco, such justice may proceed summarily upon the case without information or direction of the Commissioners of Customs, and if such person shall be convicted, such justice may adjudge that he shall, in lieu of any other penalty, forfeit a sum not less than the single nor more than the treble value of such goods, including the duty of importation thereof, and in default of payment commit such person to any of Her Majesty's gaols for any period not less than *fourteen* days, nor more than *one month*; and if such spirits or tobacco shall exceed five gallons but not exceed twenty gallons of spirits, or shall exceed twenty pounds weight of tobacco but not exceed eighty pounds weight, such person shall forfeit a sum equal to treble the duty paid value of such spirits or tobacco, or *one hundred* pounds, at the election of the Commissioners of Customs, and if proceeded against for the latter and convicted, such justice may mitigate the penalty to any sum not less than *one fourth*, and in default of payment of the penalty or mitigated penalty so imposed may commit the offender to any of Her Majesty's gaols until the same be paid; and if such spirits shall exceed twenty gallons, or such tobacco shall exceed eighty pounds weight, such person shall forfeit a sum equal to treble the value of such spirits or tobacco, or *one hundred* pounds, at the election of the Commissioners of Customs, and shall upon conviction forthwith pay, without any mitigation, the penalty imposed, and in default thereof the said justice shall commit the person so convicted to any of Her Majesty's gaols, there to remain until such penalty shall be paid.

Where quantity between 5 and 20 gallons spirits, or from 20 to 80 lbs. tobacco, justices may mitigate.

Above 20 gallons spirits, or 80 lbs. tobacco, no mitigation by justices.

A.D. 1876.

LEGAL PROCEEDINGS.

Persons arriving in ships from infected places not to land before examination.

234. It shall be lawful for Her Majesty, or any two of the Lords of Her Majesty's Privy Council, by their order, to require that no person on board any ship coming to any port in the United Kingdom from or having touched at any place abroad where they have reason to apprehend that yellow fever or other highly infectious distemper prevails, shall quit such vessel before the state of health of the persons on board shall have been ascertained, on examination by the proper officer of Customs, at any place appointed by the Commissioners of Customs for such purpose, and before permission to land shall have been given by such officer, whether or not it shall on or after such examination be found expedient to order such vessel under the restraint of quarantine, and any person so quitting any such vessel shall forfeit a sum not exceeding *one hundred* pounds; and if the master, pilot, or person in charge of such ship shall not, on arrival at such place, hoist and continue such signal as shall be directed by such order, until the proper officer shall have given permission to haul down the same, he shall forfeit a like penalty; and such penalties or either of them if incurred, and any penalty imposed by the Act of the sixth year of the reign of King George the Fourth, chapter seventy-eight, subject to reduction to any sum not exceeding *one hundred* pounds, may be recovered by information and summons before a stipendiary magistrate, or any two justices of the peace, who are hereby authorised to reduce the same accordingly, and to commit the offender to prison in default of payment of any penalty so imposed until the same be paid.

Penalties and forfeitures to be paid to Commissioners.

235. All penalties and forfeitures recovered, and all sums, including justices clerks fees, awarded to be paid as costs to or for Her Majesty under this or any other Act relating to the Customs, shall be paid to the Commissioners of Customs, and all penalties, forfeitures, and costs recovered under any Act relating to the Excise shall be paid to the Commissioners of Inland Revenue, or to the persons appointed by such Commissioners respectively to receive the same, and such penalties, forfeitures, and costs shall be applied by such Commissioners respectively in such manner as the law directs.

Any person committed in default of payment of a penalty less than 100*l.* to be discharged by gaoler in six months if not duly released.

236. Where any person shall have been committed to prison by any justice for nonpayment of any penalty incurred under the Customs Acts less than *one hundred* pounds, the gaoler or keeper of such prison is hereby authorised and required to discharge such person at the end of *six* months from the date of his imprisonment on such committal.

Persons previously convicted

237. When any verdict shall pass or conviction be had against any person for any offence against the Customs Acts and he shall

A.D. 1876.

Legal Proceedings.

have been adjudged to pay a penalty exceeding *one hundred* pounds, the presiding judge or justice may, if for a first offence, commit the offender to prison for not less than *six* nor more than *nine* months, and if for a subsequent offence, may order that the offender shall, in lieu of payment of the penalty, be imprisoned in gaol or house of correction, with or without hard labour, for a period not less than *six* nor more than *twelve* months, and the governor or keeper of such gaol or house of correction is hereby required to receive any person committed under such order.

may, on verdict, be imprisoned in house of correction.

Justices may commit to nearest house of correction, if none in their jurisdiction.

238. When any person shall have been convicted of any offence against the Customs Acts for which such person is liable to be sentenced to hard labour before any justice within whose jurisdiction there is no house of correction, such justice shall and may, by warrant under his hand and seal, commit such offender to the gaol or house of correction nearest to the place where such offender is convicted; and the governor or keeper of such gaol or house of correction is hereby required to receive such offender and to obey such warrant in all respects as if such gaol or house of correction was within the jurisdiction of such justice.

Justices may commute hard labour where offender is a female or infirm.

239. Where any person shall have been convicted of any offence against the Customs Acts for which such person would be liable to be committed to hard labour, the justice before whom such person is so convicted may, if such person be a female or if a male from physical infirmity incapable of hard labour, order and adjudge that such person shall be imprisoned in any gaol within their jurisdiction without hard labour, stating the cause of mitigation in the warrant of commitment.

If prisoner be found to have been previously convicted, imprisonment may be extended.

240. When any person shall have been convicted before any justice of any offence against the Customs Acts for which such person is liable to be committed to hard labour, and it shall at any time during the imprisonment of such person be made to appear to the said or any other justice that such person had before been convicted of a similar offence, it shall be lawful for either of such justices, and he is hereby required, to commit such offender to some house of correction to be kept to hard labour for not less than *nine* nor more than *twelve* months in the whole from the date of the first commitment, and to amend the warrant of commitment accordingly, and without including in such amendment any reference to the former conviction; and any gaoler in whose custody such person shall be is hereby required, upon a written order signed by any justice, to produce such person before such last-mentioned or any other justice having jurisdiction therein; and any married woman

Married women may be committed.

A.D. 1876.

LEGAL PROCEEDINGS.

convicted of any offence against the Customs Acts may, in default of payment of any penalty incurred by her, be committed to prison.

Subsistence of prisoners committed for offences against Customs Laws.

241. The Commissioners of Customs may allow, and to such amount as they shall direct, any expenses incurred by any county, city, borough, liberty, division, franchise, or town corporate, for the subsistence of any person committed to hard labour in any prison in the United Kingdom under the Customs Acts, and may allow for the necessary subsistence of poor persons committed under the Customs Acts for nonpayment of a pecuniary penalty any sum not exceeding *sevenpence halfpenny* per diem.

Subsistence to prisoners, and gaol fees in Channel Islands.

242. The Commissioners of Customs may allow and pay for the necessary subsistence of any poor person confined in any prison in the Channel Islands for any offence under the Customs Acts such weekly or daily sum as by the regulations of the prison in which such poor person may be confined is required for the maintenance of poor insolvent debtors, and also such gaol fees as are properly payable in respect of any prisoner at the suit of the Crown for any such offence.

Removal of proceedings.

As to the removal of proceedings before justices under the Customs Laws.

Writs of certiorari and habeas corpus not to issue except on affidavit.

243. No writ of certiorari shall issue to remove any proceedings before any justice under the Customs Acts, nor shall any writ of habeas corpus or judge's order issue to bring up the body of any person who shall have been convicted before any justice under the Customs Acts, unless the party against whom such proceedings shall have been directed or who shall have been so convicted, or his attorney or agent, shall state by affidavit in writing duly sworn the grounds of objection to such proceedings or conviction; and upon the return to such writ of certiorari or habeas corpus or judge's order no objection shall be entertained by the court other than such as shall have been stated in such affidavit; and any justice shall and may amend any information, conviction, or warrant of commitment for any offence under such Acts at any time, whether before or after conviction.

No writ of habeas or order without notice to solicitor.

244. No such writ or order shall issue without notice in writing to the Solicitor for the Customs, and no return to any such writ or order shall be considered by the High Court of Justice in England, or by any of Her Majesty's Courts at Dublin or Edinburgh, or the judges thereof, unless there shall be produced to such court or judge an affidavit in writing duly sworn stating that notice of the issuing of such writ or order was given to the Solicitor of Customs

or left at his office four clear days before the return of such writ or order; and with respect to all such writs or orders, there shall be an interval of four clear days at least between the day of issue and the day of the return thereof, and any such writ or order issuing without notice, or not in conformity with the directions herein contained, shall be void to all intents and purposes.

Prisoners against whom informations are exhibited to be brought up by habeas corpus or judge's order.

245. Where any person against whom an information shall be exhibited before a justice of the peace under the Customs Acts shall be in prison on any account whatever at the time appointed for the hearing of such information, the Commissioners of Customs shall cause to be obtained and issued out of the Exchequer Division of the High Court of Justice in England, or out of the Court of Exchequer in Scotland or Ireland, as the case may require, a writ of habeas corpus or a judge's order directed to the governor or keeper of the prison in which such person shall be confined, commanding him to convey such person to the place of hearing to be specified in such writ or order, in order that the said person may answer the said information and attend the trial thereof; and such writ of habeas corpus or judge's order shall be issued out of either of the said courts, on application made by the Solicitor for the Customs on behalf of the said Commissioners, to any judge of the High Court of Justice in England, or to any baron or judge of any of the superior courts of law in Scotland and Ireland respectively; and it shall be lawful for the justice or magistrate before whom any such information shall be brought for adjudication to refuse to proceed with the said information in the absence of the person charged, when satisfactory proof shall be made that such person is confined in prison.

Justices clerks fees.

As to justices clerks fees in customs prosecutions.

Justices clerks fees.

246. The fees payable to justices clerks in respect of prosecutions under the Customs Acts shall be in accordance with the table of fees to this Act annexed.

Superior courts.

As to proceedings in superior courts for penalties.

Procedure for penalties.

247. All suits, prosecutions, or informations for recovery of penalties under the Customs Acts in the High Court of Justice in England or in any of Her Majesty's Courts of Record at Dublin or Edinburgh may be commenced either by writ of subpœna or capias as the first process at the election of the Commissioners of Customs, in which shall be specified the amount of the penalty or penalties sued for, and, if by capias, the person against whom

A.D. 1876.

LEGAL PROCEEDINGS.

such capias shall issue shall be bound with two sufficient sureties to the party to whom such capias shall be directed to appear in the court out of which such capias shall issue at the day of the return of such writ to answer such information, and shall likewise at the time of such appearing to be bound to Her Majesty, her heirs and successors, with two sufficient sureties, or, by leave of the court or a judge, more than two, to be acknowledged in the same court, to answer and pay all the penalties so sued for, or such other sum, not exceeding the penalty or penalties sought to be recovered, as the Commissioners of Customs, or the judge upon whose fiat such capias shall issue, may see fit, in case such person shall be convicted thereof, or to yield the body of such person to prison, and in default of being bound by such respective sureties the person against whom such capias shall issue shall be taken to prison.

Service of subpœna.

248. If in any case the Commissioners of Customs waive the right of issuing writ of capias, and elect to proceed by subpœna, service of a copy of such subpœna, either on the defendant personally or by leaving the same at his last known place of abode or business anywhere in the United Kingdom or on board any ship or vessel to which such defendant may belong or have lately belonged, shall be deemed to be sufficiently served.

Judgment by default for non-appearance or want of plea.

249. Any person arrested under such capias and imprisoned for want of sufficient bail shall be served with a copy of the information filed against him either personally or by delivery of a true copy thereof to the gaoler, keeper, or turnkey of the prison in which such person shall have been confined; and in default of such person's appearing to such process and pleading to such information for the space of twenty days, to be computed from the date of such service, judgment shall be entered by default; and in case judgment shall be obtained against any such person by default, verdict, or otherwise, and such person shall not pay the sum recovered against him, execution shall thereupon issue, not only against the body of the person so imprisoned as aforesaid, but against all the real and personal estate of such person, or any other person in trust for him, for such sum or sums of money so as aforesaid recovered against him, together with the costs, poundage, fees, and expenses of execution over and above the sum recovered.

Execution may issue to sheriff of any county without reference to venue.

250. Every such execution may be directed in the first instance to the sheriff of any county or county of a city or other shrievalty as the party suing out the same may think fit, without reference to the county in which the venue is laid, and without any suggestion of the issuing of any prior writ of execution into such county.

A.D. 1876.

Legal Proceedings.

Impoverished persons may sue in formâ pauperis.

251. Where any person so arrested and imprisoned as aforesaid by virtue of any writ of capias shall be disabled by poverty from making defence to any such information, it shall be competent for such person to petition the court on affidavit verifying such disability; and the court, on being satisfied of the truth of the facts alleged in such affidavit, may assign counsel and attorney to such person, and the counsel and attorney so assigned are hereby required to act for such person without fee.

Sheriff to grant special warrant on writ of capias endorsed by solicitor of Customs.

252. Every sheriff, mayor, bailiff, and other person accustomed to execute the process of the courts, and every under-sheriff, deputy, or agent of such sheriff, mayor, or bailiff, is hereby required (on the request of the Solicitor of Customs, or of any person acting on his behalf, such request to be endorsed on the back of any writ of capias or other process issuing as aforesaid, and signed by such solicitor or by such other person stating his authority,) to grant a special warrant to such persons as shall be named to them by such solicitor or other person for apprehending the person against whom such process shall issue, or in default thereof every such sheriff, mayor, bailiff, under-bailiff, and other person shall be liable to such process of contempt, fines, and penalties as they or any of them are now by any law or custom liable to in case of refusing to execute similar process where the defendant might have been taken thereupon in the usual course of proceeding.

Sheriff indemnified for escape if warrant granted at request of Customs.

Gaoler to receive offender.

253. Every sheriff, mayor, bailiff, under-sheriff, and other person granting such special warrant shall be indemnified from all liability for the escape of any person who shall be arrested by virtue of such warrant; but when any person so arrested shall be tendered to the gaoler or keeper of the proper prison, he is hereby required to receive every person so arrested and tendered as aforesaid, and give a receipt for his body.

When offenders arrested give bail to the sheriff, bail bond to be assigned to Her Majesty.

254. If when any person is arrested by writ of capias ad respondendum, the sheriff or other officer shall take bail from such person, such sheriff or other officer, at the request and costs of the solicitor of Customs or other proper officer, shall assign to Her Majesty, her heirs and successors, the bail bond taken from such person, by endorsing and attesting the same under his hand and seal in the presence of two or more credible witnesses, which may be done without any stamp, provided the assignment so endorsed be duly stamped before any suit be commenced thereupon, and if such bail bond be forfeited, such process shall thereupon issue as on bonds originally made to Her Majesty, her heirs and successors.

LEGAL PROCEEDINGS.

Prosecutions, &c.

As to prosecution by indictment or information.

Indictment and suits to be in the name of the Attorney-General or Lord Advocate or of some officer of Customs or Inland Revenue.

255. All indictments or suits for any offences or the recovery of any penalties or forfeitures under the Customs Acts shall, except in the cases where summary jurisdiction is given to justices, be preferred or commenced in the name of Her Majesty's Attorney General for England or Ireland, or of the Lord Advocate of Scotland, or of some officer of Customs or Inland Revenue.

The Attorney-General or Lord Advocate may enter a nolle prosequi.

256. In any prosecution for recovery of any fine, penalty, or forfeiture incurred under the Customs Acts, Her Majesty's Attorney General for England, Her Majesty's Attorney General for Ireland, or the Lord Advocate of Scotland, if satisfied that such fine, penalty, or forfeiture was incurred without any intention of fraud, or that it may be inexpedient to proceed in the said prosecution, may enter a nolle prosequi or otherwise on such information.

Suits, indictments, or informations to be exhibited within three years.

257. All suits, indictments, or informations brought or exhibited for any offence against the Customs Acts in any court or before any justice, shall be brought or exhibited within three years next after the date of the offence committed.

Indictments or informations may be tried in any county in England, Scotland, or Ireland respectively.

258. Any indictment, prosecution, or information which may be instituted or brought under the direction of the Commissioners of Customs for offences against the Customs Acts shall and may be inquired of, examined, tried, and determined in any county of England when the offence is committed in England, and in any county of Scotland when the offence is committed in Scotland, and in any county in Ireland when the offence is committed in Ireland, in such manner and form as if the offence had been committed in the said county where the said indictment or information shall be tried.

Proofs in proceedings.

As to proofs in proceedings.

Defendant's proof in smuggling cases.

259. If any prosecution in respect of any goods seized for non-payment of duties, or any other cause of forfeiture, or for the recovering any penalty or penalties under the Customs Acts, any dispute shall arise whether the duties of Customs have been paid in respect of such goods, or whether the same have been lawfully imported or lawfully unshipped, or concerning the place from whence such goods were brought, then and in every such case the proof thereof shall be on the defendant in such prosecution, and where any such proceedings are had in the Exchequer Division of the High Court of Justice on the Revenue Side, the defendant shall be competent and compellable to give evidence.

A.D. 1876.

Legal Proceedings.

Averments in smuggling cases.

260. The averment that the Commissioners of Customs or Inland Revenue have directed or elected that any information or proceedings under the Customs Acts shall be instituted, or that any ship or boat is foreign or belonging wholly or in part to Her Majesty's subjects, or that any person detained or found on board any ship or boat liable to seizure is or is not a subject of Her Majesty, or that any goods thrown overboard, staved, or destroyed were so thrown overboard, staved, or destroyed to prevent seizure, or that any goods thrown overboard, staved, or destroyed during chase by any ship or boat in Her Majesty's service, or in the service of the Revenue, were so thrown overboard, staved, or destroyed to avoid seizure, or that any person is an officer of Customs or Excise, or that any person was employed for the prevention of smuggling, or that the offence was committed within the limits of any port, or where the offence is committed in any port of the United Kingdom, the naming of such port in any information or proceedings shall be deemed to be sufficient, unless the defendant in any such case shall prove to the contrary.

Vivâ voce evidence may be given that a party is an officer.

Witness competent although entitled to part of seizure or reward.

261. If upon any trial a question shall arise whether any person is an officer of the army, navy, marines, or coastguard duly employed for the prevention of smuggling, or an officer of Customs or Excise, his own evidence thereof, or other evidence of his having acted as such, shall be deemed sufficient, without production of his commission or deputation; and every such officer and any person acting in his aid or assistance shall be deemed a competent witness upon the trial of any suit or information on account of any seizure or penalty as aforesaid, notwithstanding such officer or other person may be entitled to the whole or any part of such seizure or penalty, or to any reward upon the conviction of the party charged in such suit or information.

What shall be evidence of order of Treasury or Commissioners of Customs or Inland Revenue.

262. Upon the trial of any issue, or upon any judicial hearing or investigation touching any seizure, penalty, or forfeiture, or other proceeding under the Customs Acts or any Act relating to the Excise, or incident thereto, where it may be necessary to give proof of any order issued by the Commissioners of the Treasury, or by the Commissioners of Customs or Inland Revenue respectively, the order, or any letter or instructions referring thereto, which shall have been officially received by any officer of Customs or Excise for his government, and under which he shall have acted as such officer, shall be admitted and taken as sufficient evidence and proof of such order.

A.D. 1876.

LEGAL PROCEEDINGS.

Evidence of condemnation in forfeiture.

263. Condemnation by any justice under the Customs laws may be proved in any court of justice, or before any competent tribunal, by the production of a certificate of such condemnation purporting to be signed by such justice, or an examined copy of the record of such condemnation certified by the clerk to such justice.

Entry of appearances.

As to claim by owners of goods seized.

Claim to be in name of bonâ fide owners.

Verified by oath of ownership.

264. No claim or appearance shall be entered to any information filed or exhibited for the forfeiture of any ship or goods seized for any cause of forfeiture in any court or before any justice, unless such claim or appearance be made by or in the real name of the owner or proprietor thereof, describing his place of residence and occupation; and if such claimant shall reside at London, Edinburgh, or Dublin, or within the liberties thereof, oath shall be made by him before one of the judges of the court in which such information is filed, or before any justice before whom such information shall be exhibited, that the said ship or goods were his property at the time of seizure; but if such person shall reside elsewhere, then oath shall be made by the attorney by whom such claim or appearance shall be entered that he has full authority for such claimant to make or enter the same, and that to the best of his knowledge and belief the same were at the time of seizure the bonâ fide property of the claimant; and on failure of making such proof of ownership such ship or goods shall be condemned, as if no claim or appearance had been made.

If goods owned by more than five co-proprietors, two may make the oath.

265. When any such ship, goods, or other things shall at the time of the seizure thereof be the bonâ fide property of any number of proprietors exceeding five, it shall not be necessary for more than two of them to enter such claim or appearance on the part of themselves and their co-proprietors, or to make such oath as aforesaid.

If goods owned by a company or co-partner, oath may be made by public officer or agent.

266. If any ship, goods, or other things shall at the time of seizure be the property of a joint stock company, or of co-partners carrying on trade in the United Kingdom, such claim and appearance may be entered and oath made by the public officer of such company, or by an agent for such co-partners or by one of them, and every person who shall be convicted of taking a false oath as to the facts herein-before required to be sworn to shall be guilty of perjury, and liable to the penalties thereof.

Probable cause may be certified in bar.

267. When in any information or suit relating to any seizure a verdict or judgment shall be found for the claimant, if it shall

A.D. 1876.

Legal Proceedings.

appear to the judge or justice before whom the same was heard that there was reasonable or probable cause of seizure, and such judge or justice shall so certify on the record or information, such certificate may be pleaded a bar to any action, indictment, or other proceeding against the seizor; and in case any action, indictment, or other proceeding shall be brought to trial against any person on account of any seizure (whether any information be brought to trial for the condemnation of the same or not), and a verdict shall be given for the plaintiff, if the judge or justice before whom such action, indictment, information, or other proceeding shall be tried or heard shall certify on the record, information, or other written proceedings that there was reasonable or probable cause for seizure, the plaintiff shall not be entitled to more than *twopence* damages nor to any costs, nor shall the defendant be fined more than *one* shilling; and the production of such certificate, or a copy thereof, verified by the signature of the officer of the court, shall be sufficient evidence of such certificate.

As to actions against officers of Customs.

Actions against officers.

One month's notice of action to officer before process.

268. No action or suit shall be commenced against any officer of the army, navy, marines, coastguard, Customs, Excise, police, or other person acting for or under the direction of the Commissioners of Customs, or duly employed in the prevention of smuggling, for anything done in the execution of or by reason of his office, until one month next after notice in writing shall have been delivered to him or left at his usual place of abode by the attorney or agent of the plaintiff, in which notice shall be clearly stated the cause of action, the name and place of abode of the plaintiff, and the name and place of abode or business of such attorney or agent, and the attorney or agent mentioned in such notice shall not be entitled to more than *ten* shillings for preparing and serving such notice; and if any action or suit shall be commenced against any such officer or other person, and no such notice shall have been given, such officer or other person may call upon the plaintiff to establish to the satisfaction of the court, on affidavits on both sides, that such action or suit is brought for some act, matter, or thing not done in the execution of or by reason of his office, or whilst on duty as such officer, and if the plaintiff shall fail so to satisfy the court, such action or suit shall discontinue: Provided always, that if the plaintiff shall so satisfy the court, he shall not be allowed on the trial of such action to give evidence of any cause of action other than such as shall have been disclosed in his said affidavit.

A.D. 1876.

LEGAL PROCEEDINGS.

Evidence limited to subject in notice.

269. Upon the trial of any action brought in pursuance of such notice the plaintiff shall not be entitled to a verdict without proving on the trial that such notice had been duly served, in default whereof the defendant shall receive a verdict, with costs, nor shall the plaintiff be at liberty to produce evidence of any cause of action, except such as has been distinctly stated in such notice.

Officer may tender amends.

270. It shall be lawful for any such officer or other such person to whom such notice shall be given, at any time within one month after service thereof, to tender amends to the plaintiff, or his agent or attorney, and in case such amends be not accepted to plead such tender in bar of the action, together with the plea of "not guilty," and other pleas, with leave of the court, where such leave must be obtained pursuant to "The Common Law Procedure Act, 1852;" and if upon the trial of such action the jury shall find the amends so tendered sufficient, they shall give a verdict for the defendant, and in such case, or in case the plaintiff shall be nonsuited or discontinue his action, or in case judgment be given for such defendant on demurrer, then such defendant shall be entitled to the like costs as he would have been entitled to if he had pleaded the general issue only; but if upon issue joined the jury shall find that no amends were tendered, or that the same were insufficient, or shall find against the defendant on such plea or pleas, they shall give a verdict for the plaintiff, and such damages as they shall think proper, together with costs of suit.

Officer omitting to tender amends may pay money into court.

271. In case any officer or other such person shall neglect to tender amends, or shall not have tendered sufficient amends, before the action brought, it shall be lawful for him, by leave of the court in which such action shall be brought, at any time before the trial of the action, to pay into court a sum of money by way of amends, to abide the usual practice in such cases.

Actions against officers to be brought within one month after cause arises.

272. Every action against any officer of Customs or other such person shall be commenced within one month after the cause of action shall have arisen; but if such action be brought in respect of any seizure made by such officer or other such person, the month shall be computed from the day of seizure, unless it shall within that time become the subject of an information for the condemnation thereof, in which case the cause of action shall not be deemed to have arisen until the day after the trial of such information, and the venue in such action shall be laid in the county or place where the cause thereof is alleged to have occurred; and the defendant may plead the general issue, and give the special matter in evidence

on the trial thereof; and if the plaintiff shall be nonsuited or discontinue, or if upon a verdict or demurrer judgment shall be given against him, the defendant shall be entitled to costs, and have such remedy for the recovery thereof as any other defendant now has in other cases where costs are legally recoverable.

Solicitors clerks and officers of Customs may conduct cases.

273. Any person appointed to be solicitor or assistant solicitor of Her Majesty's Customs, or any clerk duly appointed to act on his behalf or under his or their directions, shall and may in any case relating to the Customs, or under the direction of the Commissioners of Her Majesty's Treasury or Customs, act as counsel, solicitor, attorney-at-law, advocate, or writer to the signet in the prosecution, conduct, or defence of any such case in any court, jurisdiction, or place in which such case may be instituted, and any such solicitor, assistant solicitor, or clerk, and any officer of Customs, under the order and directions of the Commissioners of Customs, may prosecute, defend, or conduct any proceeding before any justice in any matter relating to the Customs to be heard or determined by him.

Defendants in Customs cases to have choice of attorney and counsel in Scotland.

274. Any writer to the signet, solicitor before the supreme courts in Scotland, or solicitor at law duly licensed to practise as an agent in the Courts of Session and Justiciary in Scotland, who shall be retained by any defendant at the suit of the Crown for any offence against the laws relating to the Customs, shall be competent to undertake the defence of such defendant, and to instruct counsel for that purpose; and any such defendant who may not have retained any such agent shall be entitled to be heard by his counsel on any trial for such offence, although such defendant may have previously appeared to answer such suit in person instead of appearing by agent.

As to the Application of Moneys from Sale, Purchase, or Exchange of Lands.

Lands Clauses.

Moneys produced by sale of lands to be paid to the Commissioners of Customs.

275. The moneys produced by sales or exchange of any freehold, leasehold, or copyhold lands or tenements bought, sold, or disposed of by, for, or under the direction of the Commissioners of Customs, including the moneys already paid by way of deposit for the purchase of any such lands or tenements already contracted to be sold, and the residue of the moneys to be received in respect or on account of such contract, shall be paid by the purchaser thereof, or by the person making such exchange, to the Commissioners of Customs for the time being or to such person as they shall appoint to receive the same, in trust for Her Majesty, her heirs and successors, for the use of the said Customs; and the receipt of such

A.D. 1876. Lands Clauses.

Commissioner or other person as aforesaid for such moneys (such receipt to be endorsed on the conveyance, surrender, or assignment), shall effectually discharge the purchaser or person by whom or on whose account the same shall be paid.

Money for lands of incapacitated persons to be paid into Bank of England.

276. In all cases where any money shall have been or shall be agreed, or shall have been or shall be found by the verdict of any jury, to be paid for the use or possession of lands or hereditaments taken by virtue of the Customs Acts belonging to any persons under any disability or incapacity, or not having the absolute interest therein, the same shall be paid by warrant of the Commissioners of the Treasury into the Bank of England, in the name and with the privity of the Paymaster-General on behalf of the Chancery Division of the High Court of Justice, to be placed to his account there in the matter of the particular Act to the credit of the persons claiming to be interested therein, naming them pursuant to the method prescribed by any Act in force for the time being for regulating the payment of money into court; and immediately upon the filing in the Chancery Division of the High Court of Justice of the certificate of such Paymaster-General, with the receipt annexed of the payment into his name as aforesaid of any such money, in conformity with the eighth section of the Act of the twenty-second and twenty-third years of Her Majesty's reign, chapter twenty-one, the said lands or hereditaments shall be vested in or to the use of Her Majesty, her heirs and successors.

Isle of Man.

As to the Isle of Man.

Isle of Man deemed part of United Kingdom for Customs purposes.

277. The Isle of Man shall be deemed and taken to be part of the United Kingdom for all the purposes of the Customs Acts; but nothing herein contained shall prejudice or affect, or be construed in any way, directly or indirectly, to prejudice or affect, any of the rights or privileges legally exercised or enjoyed by the said isle at the time of the passing of this Act.

Goods delivered out of charge of Customs in the Isle of Man not to be brought into Great Britain or Ireland.

278. No foreign goods upon which a higher duty is payable on their importation into Great Britain or Ireland than on their importation into the Isle of Man shall, after the same have been cleared and delivered out of charge of the proper officers of Customs for consumption or otherwise in the said isle, be carried or shipped or be water-borne or be brought to any quay, wharf, or other place to be shipped or water-borne to be carried from the said isle into Great Britain or Ireland; nor shall any such goods which may be brought to the said isle, though not cleared and delivered as aforesaid, be removed or carried to be brought or taken from thence into Great Britain or Ireland until the same shall have been

A.D. 1876.

Isle of Man.

duly cleared for that purpose by the proper officer of Customs, nor (unless reported for removal in the same ship and in continuation of the voyage to some port in Great Britain or Ireland) until sufficient security by bond or otherwise shall have been given, in such manner and on such terms and conditions as the Commissioners of Customs may direct, for the due delivery thereof at some port or place in Great Britain or Ireland; and all goods carried, brought, shipped, removed, or water-borne to be shipped, removed, or carried contrary hereto shall be forfeited, and every person who shall carry, ship, bring, remove, or water-bear to be shipped, removed, or carried any goods contrary hereto, or who shall aid or be concerned therein, shall forfeit treble the value of such goods, or the sum of *one hundred* pounds, at the election of the Commissioners of Customs.

Goods brought to Isle of Man, but not delivered from Customs, may be brought to Great Britain or Ireland on conditions.

279. Any goods the growth of the Isle of Man, or there manufactured from materials the growth of the said isle, or from materials not subject to duties in Great Britain or Ireland, or from materials upon which the duty has been paid in Great Britain or Ireland, and upon which no drawback has been subsequently granted, may be brought from the said isle into Great Britain or Ireland without payment of any duty: Provided always, that any goods may nevertheless be charged with such proportion of such duties as shall fairly countervail any duties of Excise payable on the like sort of goods the produce of that part of Great Britain or Ireland into which they shall be brought, or payable upon any of the materials from which such goods are manufactured, and any articles either wholly or in part manufactured in the said isle from any materials upon which a higher duty is payable upon their importation into Great Britain or Ireland than on their importation into the Isle of Man, may be brought from the said isle into Great Britain or Ireland on payment of the duty payable on such goods in that part of Great Britain or Ireland into which they shall be so brought.

Goods the growth or manufacture of Isle of Man may be imported into Great Britain or Ireland on certificate, &c.

280. Before any goods shall be shipped in the Isle of Man to be carried to Great Britain or Ireland, as the growth or produce of that isle, or as manufactures of that isle, from materials the growth and produce thereof, or from materials not subject to duty in Great Britain or Ireland, or from materials upon which the duties shall have been paid and not drawn back in Great Britain or Ireland, proof shall be made by the written declaration of some competent person, to the satisfaction of the collector or other proper officer of Customs at the port of shipment, that such goods (describing and identifying them), are of such growth, produce, or manufacture, as the case may be, and in such declaration shall be stated the name

Declaration and certificate of growth or manufacture of goods from Isle of Man.

A.D. 1876.

ISLE OF MAN.

of the person by whom such goods are intended to be shipped, and such person at the time of shipping (not being more than one month after the date of such declaration), shall make and subscribe a declaration before such collector or other proper officer, that the goods to be shipped are the same as mentioned in such declaration, and thereupon the collector or other proper officer shall, on demand, give to the master of the ship in which the goods are to be exported a certificate of such proof of produce or of manufacture, describing the same, and setting forth the name of the party and of the ship and of the master thereof, and the destination of the goods.

Act not to affect Excise drawback.

281. Nothing herein contained shall be deemed or construed to affect the laws and regulations now in force respecting duties and drawbacks of Excise on goods removed to the Isle of Man.

Stores of Manx ships.

282. If any ship or boat bound from the Isle of Man to Great Britain or Ireland shall have on board any stores of spirits, tobacco, or tea for the use of the crew exceeding the quantities specified in the following table, such stores, together with the casks or packages containing the same, and also the ship or boat, shall be forfeited.

TABLE.

—	In Ships or Decked Vessels.	In Open Boats.
Spirits for each seaman -	Half a gallon - -	One quart.
Tobacco for each seaman -	One pound - -	Half a pound.
Tea for the whole crew -	Two pounds - -	One pound.

Treasury may restrict imports.

283. The Commissioners of the Treasury shall and may at any time, if they see fit, by order under their hands, restrict or limit the importation into the Isle of Man of any foreign goods to such quantities per annum and in such manner as they may deem necessary, and also determine into what ports in the Isle of Man and from what places such goods may be imported.

MISCELLANEOUS.

MISCELLANEOUS MATTERS.

As to the interpretation of terms used in this Act.

Interpretation of terms.

284. For the purposes of this or any other Act relating to the Customs and in construing the same, the following terms, when not inconsistent with the context or subject matter, shall have the several meanings, and include the several matters and things hereinafter prescribed and assigned to them; that is to say,

"Attorney General" shall include Solicitor General, Procureur, or other chief law officer of the Crown in any of Her Majesty's possessions abroad where there is no Attorney General.

"British possession" shall mean and include colony, plantation, island, territory, or settlement belonging to Her Majesty.

"Channel Islands" shall mean the islands of Guernsey, Jersey, Alderney, and Sark, and their respective dependencies.

"Commissioners of the Treasury" shall mean the Lords Commissioners of Her Majesty's Treasury.

"County" shall mean and include any city, county of a city, county of a town, borough, or other magisterial jurisdiction where such construction is not inconsistent with the context.

"Customs Acts" shall mean and include this and all or any other Acts or Act relating to the Customs.

"Exporter of goods for which no bond is required" shall include and apply to the person subscribing the declaration required at the foot of the specification, forms No. 8 and No. 9, or manifest in lieu thereof, as the case may be.

"Drawback" shall include bounty.

"Gaoler" shall mean and include any governor or keeper of Her Majesty's prisons.

"Her Majesty" shall mean Her Majesty, her heirs and successors.

"Importer" shall mean, include, and apply to any owner or other person for the time being possessed of or beneficially interested in any goods at and from the time of the importation thereof until the same are duly delivered out of the charge of the officers of Customs.

"Justice" shall mean and include justice of the peace, county court judge, recorder, sheriff depute, governor, deputy-governor, bailiff, chief magistrate, deemster, jurat, and any other magistrate in the United Kingdom and the Channel Islands.

"Master" shall mean the person having or taking the charge or command of any ship.

"Official import lists and official export lists" shall mean any lists which are now or shall from time to time be issued under the authority of the Commissioners of the Treasury or Customs, prescribing the denominations, descriptions, and quantity by tale, weight, measure, value, or otherwise, by which articles of merchandise shall be required to be entered on their importation into or exportation from the United Kingdom.

"Proper officer of Inland Revenue" in the fourth section of the Act of the thirty-seventh and thirty-eight years of Her Majesty's reign shall mean "proper officer of Customs."

"Queen's warehouse" shall mean any place provided by the Crown or approved by the Commissioners of Customs for the deposit of goods for security thereof and of the duties due thereon.

A.D. 1876.

MISCELLANEOUS.

"Warehouse" shall mean any place in which goods entered to be warehoused may be lodged, kept, and secured.

Customs fund available for officers of the United Kingdom, and the Life Assurance Companies Act shall not apply to that fund.

285. The unrepealed provisions of the Act of the fifty-sixth year of George the Third, chapter seventy-three, shall apply to and be available by and for the benefit of the officers, clerks, and other persons in the department of the Customs in Scotland and Ireland, and their relatives, as fully and amply as if they had been originally mentioned therein, and the Act made applicable to the United Kingdom instead of England only; and the Life Assurance Companies Act, 1870, shall not be deemed to apply to the Customs Annuity and Benevolent Fund.

Cards imported not to be sold without a wrapper provided by the Commissioners of Inland Revenue.

286. In construing section one hundred and fourteen of "The Customs Consolidation Act, 1853," relating to cards saved from repeal in Schedule (A.) to this Act annexed, it shall be read as if section twenty-eight of the Act of the twenty-fifth and twenty-sixth of Her Majesty's reign, chapter twenty-two, were therein referred to and had been originally inserted therein instead of the Act therein mentioned, and the reference in the thirty-sixth section of the above-mentioned Act to "The Customs Consolidation Act, 1853," hereby repealed, shall be deemed to apply to the several clauses of that Act relating to cards as saved in the said Schedule and read as hereby directed.

Reciprocity under treaties, &c.

287. Sections nine, ten, eleven, and twelve of the Act of the eighth and ninth years of Her Majesty's reign, chapter ninety, shall, notwithstanding the repeal by this Act of section seventeen of the Act of the twentieth and twenty-first years of Her Majesty's reign, chapter sixty-two, be deemed and considered as subsisting and unrepealed.

As to repeal of existing Acts.

Acts set forth in Schedule repealed.

288. The several Acts and parts of Acts set forth in Schedule (A.) to this Act annexed are hereby repealed, to the extent to which such Acts or parts of Acts are by such Schedule expressed to be repealed, except as to anything done before the commencement of this Act, and except so far as relates to any arrears of duty or to any drawback which shall have become due or payable, and except so far as may be necessary for the purpose of supporting or continuing any proceeding heretofore taken or to be taken after the commencement of this Act, and except as to the recovery or application of any penalty for any offence which shall have been committed or any forfeiture which shall have been incurred before the commencement of this Act; and all orders made by Her Majesty in Council, all bonds taken or licenses granted, and all things done under the authority or in pursuance of any of the Acts hereby repealed,

Orders, &c. under Acts repealed to be valid.

shall nevertheless be valid and effectual; and all commissions, deputations, and appointments granted to any officer of Customs in force at the commencement of this Act shall continue in force as if the same had been granted under the authority of this Act; and all bonds or other securities which shall have been given by or for such officers and their respective sureties for good conduct or otherwise shall remain in force; and all warrants, licences, orders, and regulations made by the Commissioners of the Treasury or the Customs under any Act or Acts relating to the Customs now repealed, shall remain in force until altered, revoked, or rescinded or others made by them in lieu thereof; and all acts done in pursuance of any such orders and regulations shall be and are hereby declared to be valid; and all ports, inland bonding places, havens, creeks, boarding stations, legal quays, sufferance wharves, and warehouses appointed or approved under any of the Acts hereby repealed, shall continue until the appointment or approval thereof shall be annulled, varied, or altered by the said Commissioners.

Commissions, deputations, bonds, &c. to remain in force.

Warrants, orders, and regulations to remain in force.

Ports, bonding place, havens, creeks, &c. to continue.

289. This Act shall be registered in the Royal Courts of the Island of Guernsey and Jersey respectively, and the said Royal Courts respectively shall have full power and authority and are hereby required to register the same.

Act to be registered in Royal Courts of Guernsey and Jersey.

290. This Act shall come into operation on the day of the passing of this Act, and in citing it in other Acts of Parliament and in legal instruments it shall be sufficient to use the expression "The Customs Consolidation Act, 1876."

Commencement of Act.

A.D. 1867.

SCHEDULE (A.)

SCHEDULES.

SCHEDULE (A.) of Acts to be Repealed.

Date of Act.	Title of Act.	Extent of Repeal.
8 & 9 Vict. c. 85 -	An Act for the Management of the Customs.	Sections 2 and 3.
16 & 17 Vict. c. 107	An Act to amend and Consolidate the laws relating to the Customs of the United Kingdom and of the Isle of Man, and certain Laws relating to Trade and Navigation and the British Possessions.	The whole Act, except sections 114, 115, and 116, relating to cards; sections 165, 166, 181, 182, 183, 185, 187, and 188, so far as they relate to those of Her Majesty's possessions abroad in which other provisions have not been substituted by Local Act or Ordinance with the sanction of Her Majesty; sections 324 to 327 both inclusive, and 329 to 331 both inclusive, relating to reciprocity in commerce, and sections 332, 333, and 335 to 341 both inclusive, and also 343, 344, and 345, relating to the acquisition and disposal of lands.
18 & 19 Vict. c. 96	The Supplemental Customs Consolidation Act.	The whole Act.
18 & 19 Vict. c. 97	The Customs Tariff Act, 1855	The whole Act, except section 6.
19 & 20 Vict. c. 75	The Customs Laws and Duties Amendment Act, 1856.	The whole Act.
20 Vict. c. 15 -	The Customs Duties Amendment Act, 1857.	The whole Act.
20 & 21 Vict. c. 61	The Customs and Excise Duties Act, 1857.	The whole Act.
20 & 21 Vict. c. 62	The Customs Amendment Act, 1857.	The whole Act.
21 Vict. c. 12 -	The Customs Duties Act, 1858	The whole Act.
22 & 23 Vict. c. 37	The Customs Amendment Act, 1859.	The whole Act.
23 Vict. c. 22. -	The Customs Tariff Amendment Act, 1860.	The whole Act.
23 & 24 Vict. c. 36	The Customs Inland Bonding Act, 1856.	The whole Act.
24 Vict. c. 20 -	The Customs and Inland Revenue Act, 1861.	So much as relates to Customs.
25 Vict. c. 22 -	The Customs and Inland Revenue Act, 1862.	So much as relates to Customs.
26 Vict. c. 22 -	The Customs and Inland Revenue Act, 1863.	So much as relates to Customs.

A.D. 1876.

SCHEDULE (A.)

Date of Act.	Title of Act.	Extent of Repeal.
27 Vict. c. 18 -	The Customs and Inland Revenue Act, 1864.	So much as relates to Customs.
28 Vict. c. 30 -	The Customs and Inland Revenue Act, 1865.	So much as relates to Customs.
28 & 29 Vict. c. 95	The Sugar Duties and Drawbacks Act, 1865.	The whole Act.
30 Vict. c. 10 -	The Sugar Duties Act, 1867 -	The whole Act.
30 Vict. c. 23 -	The Customs and Inland Revenue Act, 1867.	So much as relates to Customs.
30 & 31 Vict. c. 82	The Customs Amendment Act, 1867.	The whole Act.
31 Vict. c. 28 -	The Customs and Income Tax Act, 1868.	So much as relates to Customs.
32 & 33 Vict. c. 14	The Customs and Inland Revenue Duties Act, 1869.	So much as relates to Customs.
33 Vict. c. 12 -	The Customs (Isle of Man) Act, 1870.	The whole Act.
33 & 34 Vict. c. 32	The Customs and Inland Revenue Act, 1870.	So much as relates to Customs.
34 Vict. c. 21 -	The Customs and Income Tax Act, 1871.	So much as relates to Customs.
36 Vict. c. 29 -	The Customs Sugar Duties (Isle of Man) Act, 1873.	The whole Act.
37 & 38 Vict. c. 16	The Customs and Inland Revenue Act, 1874.	So much as relates to Customs.

SCHEDULE (B.) referred to in the foregoing Act.

SCHEDULE (B.)

Form No. 1.

Official Number.
Number of Register.
Date of Registry.
Port of { If Sailing Vessel or Steamer.

REPORT.

Ship's Name.	Tonnage.	British or Foreign; if British, Port of Registry; if Foreign, Country to which she belongs.	Number of Crew.		Name of Master, and whether a British or Foreign Subject.	Port or Place from whence arrived.
			British Seamen.	Foreign Seamen.		
Here state the particulars according to the above headings.						
		Total -				

A.D. 1876.

SCHEDULE (B.)

CARGO.

1. Name or Names of Places where laden in order of Time.	2. Marks.	3. Nos.	4. Packages and Descriptions of Goods, Particulars of Goods stowed loose, and General Denomination of Contents of each Package of Tobacco, Cigars, or Snuff intended to be imported at this Port.	5. Particulars of Packages and Goods (if any) for any other Port in the United Kingdom.	6. Goods (if any) to be transhipped or to remain on board for Exportation.	7. Name of Consignee.

Here state the particulars according to the above headings, or if in Ballast, state "in Ballast only."

If any wreck fallen in with or picked up, to be stated.						

STORES.

Surplus stores remaining on board, viz. :—

Number of alien passengers (if any) - _____

Pilot's names - - - - _____

At what station ship lying - - - _____

Agent's name and address - - _____

I declare that the above is a just report of my ship and of her lading, and that the particulars therein inserted are true to the best of my knowledge, and that I have not broken bulk or delivered any goods out of my said ship since her departure from the last foreign place of loading, (except, *if so*, at , *stating where*).

(Signed) *Master.*

Signed and declared this day of 187 .

In presence of

Collector.

Form No. 2.

ENTRY FOR HOME USE.

Whether Prime or Post, and if Post date of Prime Entry _____

Port of Importation _____

Dock or Station _____ Merchant in whose name the goods are entered - _____

Importer's Name _____

Ship's Name.	Date of Report.	Master's Name.	Port or Place from whence.

Here state the particulars according to the above headings.

Marks.	Numbers.	Number of Packages, quantity and description of Goods, in accordance with the requirements of the Official Import List.
		Here state the particulars of the goods according to the above headings.

Total amount of duty payable on this entry - £

Dated this day of 187 .

(Signed) _____

Importer or his Agent.

Form No. 3.

ENTRY FOR WAREHOUSING.

Port _____

Dock or Station _____

Importer's Name _____

Ship's Name.	Date of Report.	Master's Name.	Port or Place from whence.
Here state the particulars according to the above headings.			

Marks.	Numbers.	Number of Packages, quantity and description of Goods, in accordance with the requirements of the Official Import List.
		Here state the particulars of the goods according to the above headings.

I enter the above goods to be warehoused at _____

Dated this day of 187 .

(Signed) _____

Importer or his Agent.

A.D. 1876.

SCHEDULE (B.)

Form No. 4.

ENTRY BY BILL OF SIGHT.

Port _____

Dock or Station _____

Importer's Name _____

Ship's Name.	Date of Report.	Master's Name.	Port or Place from whence.

Marks.	Numbers.	Number of Packages with the best Description the Importer is able to give.

State the particulars according to the respective headings given above.

I, the importer (or agent to the importer) of the goods above-mentioned, do hereby declare (if importer) that I have not, or (if agent) that, to the best of my knowledge, he has not received sufficient invoice, bill of lading, or other advice from whence the quality, quantity, or value of the goods above mentioned can be ascertained.

Dated this day of 187.

(Signed) _____

Importer or his Agent.

(Signed) _____

Collector or proper officer of Customs.

Form No. 5.

ENTRY FOR FREE GOODS.

Port _____

Dock or Station _____

Importer's Name _____

Ship's Name.	Date of Report.	Master's Name.	Port or Place from whence.

Here insert the particulars according to the above headings.

Marks.	Numbers.	Number of Packages, and quantity and description of Goods, in accordance with the requirements of the Official Import List.
		Here state the particulars of the goods according to the above headings.

I enter the above goods as free of duty, and declare the above particulars to be true.

Dated this day of 187 .

(Signed) _____

Importer or his Agent.

Form No. 6.

ENTRY OUTWARDS.

Port of _____

Ship's Name.				
If British, Name of Port of her Registry.	If Foreign, name of Country to which she belongs.	Tonnage.	Master's Name.	Port of Destination.

Lying at _____ Dock or Station.

(Signed) _____

Master or Agent.

Date of Entry.

If ship shall have commenced her lading at any other port, (name of such port).

Form No. 7.

SHIPPING BILL.

For Drawback Goods.

Ship's Name.	Whether British or Foreign; if Foreign, the Country.	Master's Name.	Port or Place of Destination.

A.D. 1876.

SCHEDULE (B.)

Marks.	Numbers.	Description of Packages.	Quantity, Quality, and Description of Goods.
	Total Number of Packages.		

I claim drawback on { Here state the quantity and description in words at length of any goods in respect of which drawback is claimed.

(Signed)_____

adding "exporter" or "agent," as the case may be.

Station of Clearance.

(Countersigned)_____

Searcher.

Dated this day of 187 .

Form No. 8.

SPECIFICATION for Foreign Goods free of duty or on which all duties have been paid.

Port of	Master
Ship's Name	Port or Place of Destination.

Marks.	Numbers.	Description of Packages.	Quantity and Description of Foreign goods in accordance with the requirements of the Official Import List.	Value.

I declare that the particulars set forth above are correctly stated.

(Signed)_____

adding "exporter" or "agent," as the case may be.

Address_____

Dated 187 .

(Countersigned)_____

Searcher.

Form No. 9.

SPECIFICATION for British and Irish Goods only.

Port of Ship's Name			Master Port or Place of Destination	
Marks.	Numbers.	Description of Packages.	Quantity and description of British and Irish Goods, in accordance with the requirements of the Official Export List.	Value.

I declare that the particulars set forth above are correctly stated.

Signed _____

Adding "Exporter" or "Agent," as the case may be.

Address _____

Dated _____ 187 .

(Countersigned) _____

Searcher or proper Officer.

Form No. 10.

CONTENT.

Port of _____

Ship's Name and Destination.	Number of Tons.	Number of Boats.	If British, Port of Registry. If Foreign, the Country.	Number of Crew.	Name of Master.	With or without Passengers or Troops.

WAREHOUSED, TRANSHIPMENT, DRAWBACK, AND RESTRICTED GOODS.

Marks and Numbers, if any, of Packages.	Number and Description of Packages.
Particulars to be stated according to the above headings.	

Cleared

Examined

(Signed) _____

Searcher.

Dated _____

A.D. 1876.

SCHEDULE (B.)

I do declare that the above content is a true account of all goods above described, shipped, and intended to be shipped on board the above-named ship, and correct in all particulars.

Signed _____

Master.

Signed and declared this day of before me,

(Signed) _____ Collector, or proper Officer of Customs.

Form No. 11.

TRANSIRE.

Port of

Ship's Name.	Tonnage.	Port of Registry.	Master's Name.	Whither Bound.

Foreign Goods distinguishing Warehoused Goods removed under Bond.	Quantities of Corn, Grain, Meal, Flour, or Malt.	Goods liable to Duty of Excise or entitled to Drawback thereof.	Here state "Sundry other Goods" or "No other Goods" as the case may be.

(Signed) _____

Master.

Cleared the day of 187 .

(Signed)

Collector, or other proper Officer.

SCHEDULE (C.)

SCHEDULE (C.) referred to in the foregoing Act.

FORM OF INFORMATION.

to wit. } Be it remembered, that *A.B.*, an officer of Customs, under the direction of the Commissioners of Customs, informs me, , one of Her Majesty's justices of the peace in and for the of

COUNT I.

That *C.D.*, to wit, on the day of , 18 , did import, *or* bring, *or* unship, *or* deliver, *or* carry, *or* remove, *or* harbour, *or* deal with,

or was concerned in importing, *or* unshipping, *or* delivering, *or* carrying, *or* removing, *or* harbouring, *or* dealing with to evade the payment of the duties due thereon, *or* to evade the prohibition *or* restriction relating to the importation and delivery of, certain uncustomed, *or* prohibited, *or* restricted goods, to wit [*describe them*].

Count II.

That *C.D.*, to wit, on the day of 18 , was found, *or* discovered to have been, on board a ship, *or* boat, within three leagues of the United Kingdom, *or* the Channel Islands.

Count III.

That *C.D.*, to wit, on the day of 18 , was found, *or* discovered to have been, on board a ship, *or* boat, within a port, *or* bay, *or* harbour, *or* river, *or* creek of the United Kingdom, *or* "the Channel Islands" [*as the case may be*

Count IV.

That *C.D.*, to wit, on the day of 18 , was found, *or* discovered to have been, on board a ship, *or* boat, part of the cargo of which was thrown overboard, *or* staved, *or* destroyed, to prevent seizure.

Count V.

That *C.D.*, to wit, on the day of 18 , was found on board, *or* discovered to have been on board, the ship , being one of Her Majesty's ships, *or* in Her Majesty's employment, *or* service, *or* the ship being a foreign post office packet employed in carrying mails between a foreign country and the United Kingdom [*as the case may be*].

Count VI.

That *C.D.*, did, to wit, on the day of 18 , make and subscribe a false declaration, *or* document, purporting to be [*here state the nature of the document generally*], the same being false and untrue.

Count VII.

That *C.D.*, did, to wit, on the day of 18 , counterfeit, *or* falsify, *or* wilfully use when counterfeited *or* falsified [*as the case may be*], a certain document purporting to be [*here state the nature of the document generally*].

Count VIII.

That *C.D.*, did, to wit, on the day of 18 , alter a certain document, *or* instrument, after the same had been officially issued, to wit, [*here state the nature of the document generally*].

Count IX.

That *C.D.*, did, to wit, on the day of 18 , counterfeit the seal, *or* signature, *or* initials, *or* mark, of or used by, an officer of Customs for [*here state the purport*].

A.D. 1876.

SCHEDULE (C.)

COUNT X.

That *C.D.*, was, to wit, on the day of 18 , driving *or* conducting a cart, *or* waggon, *or* conveyance, and refused to stop, *or* to allow the examination thereof, when required in the Queen's name.

COUNT XI.

That *C.D.*, on the day of 18 , did obstruct being a person employed for the prevention of smuggling and in the execution of his duty, *or* was concerned in the rescue of, *or* in the endeavour to rescue, *or* in the destruction of, *or* in the endeavour to destroy, seized goods, *or* in the rescue of, *or* endeavour to rescue a person, to wit, one *E.F.*, who had then been apprehended for an offence punishable by fine or imprisonment under the Customs Acts, *or* prevented *or* endeavoured to prevent, the apprehension of one *E.F.*, who had been, to wit, on the day of 18 , guilty of an offence punishable by fine or imprisonment under the Customs Acts.

COUNT XII.

That *C.D.*, to wit, on the day of 18 , denied the possession of certain foreign goods, to wit [*here mention generally the goods*], which were afterwards found to be, *or* to have been [*as the case may be*], in his possession.

COUNT XIII.

That *C.D.*, a person required by the Customs Acts to answer questions put to him by an officer of the Customs, to wit, on the day of 18 , did untruly answer, *or* did refuse to answer a certain question put to him by an officer of Customs.

COUNT XIV.

That *C.D.*, being summoned as a witness, did neglect, *or* refused, to appear, *or* and having appeared in obedience to such summons, did refuse to take oath, *or* affirm, *or* give evidence, *or* answer,

contrary to section [*here insert in figures the section creating the offence*] of "The Customs Consolidation Act, 1876," whereby the said *C.D.* has forfeited the sum of , being treble the value of the goods *or* the penalty of one hundred pounds, [*as the case may be*], for which the Commissioners of Customs have elected to sue, *or* the sum of pounds, *or* a sum not exceeding one hundred pounds, *or* a sum not exceeding pounds, *or* has become liable to be imprisoned [*here insert the penalty, or period of imprisonment, imposed by the section under which the offence is charged.*]

For goods only.

That certain goods, to wit [*here mention generally the goods or things*], were seized on the day of 18 , for being dealt with contrary to section [*here insert the section in figures*] of "The

Customs Consolidation Act, 1876," whereby the said goods have become liable to forfeiture, and that *C.D.*, of , has claimed the same.

Exhibited to and before me, the day of , in the year of our Lord

---

Form of Summons on Information.

To [*C.D.*]

to wit. Whereas an information has been exhibited by [*A.B.*] an officer of Customs, under the direction of the Commissioners of Customs, before me , one of Her Majesty's justices of the peace for the of , in the following form [*here copy the information*].

This is therefore to require you personally to appear before me, or such other justice or justices of the peace as may be present, at , in the of , on the day of next ensuing, at the hour of o'clock in the forenoon of said day, to answer the said information.

Given under my hand and seal at in the of this day of in the year of our Lord

---

Form of Summons on Information for Condemnation of Seizures.

To of in the of

to wit. An information having been preferred by [*A.B.*] an officer of Customs, under the direction of the Commissioners of Customs, before me one of Her Majesty's justices of the peace for the of , for the condemnation of [*here state the goods*] seized on the day of in the year of our Lord , for being dealt with contrary to section of "The Customs Consolidation Act, 1875," and claimed by you.

This is to require you to appear before me, or such other justice or justices of the peace as may be present at , in the of on the day of next ensuing, at the hour of o'clock in the forenoon of said day, to show cause why the said goods should not be condemned as forfeited.

Given under my hand and seal at , in the of this day of in the year of our Lord

---

A.D. 1876.

SCHEDULE (C.)

FORM of SUMMONS for WITNESSES.

To

to wit. } You are hereby required personally to be and appear on the day of next ensuing, at the hour of o'clock in the forenoon, at in the of before me, or such other of Her Majesty's justices of the peace for the said of as may be then and there present, to give evidence and testify the truth, according to your knowledge, concerning the facts alleged in a certain information exhibited against *C.D.* under the Customs Consolidation Act, 1875, and herein fail not, under the penalty therein provided.

Given under my hand and seal at in the of this day of in the year of our Lord

---

FORM OF CONVICTION.

to wit. } Be it remembered, that on this day of in the year of our Lord at in the of *C.D.* is convicted before me [*or* us, *as the case may be,*] of Her Majesty's justices of the peace for the of , for that he the said *C.D.*, within three years now last past [*here state the offence as in the information*], and [*where the party has been convicted of an offence punishable by pecuniary penalty and imprisonment in default of payment,*] I, *or* we, adjudge the said *C.D.* for his said offence to forfeit and pay the sum of , which [*if such be the case,*] I, *or* we, mitigate to the sum of ; and if the said sum of be not forthwith paid, I, *or* we, adjudge the said *C.D.* to be imprisoned in Her Majesty's gaol at in the of until the same be paid, [*or where it shall have been so adjudicated add, instead of the words* "until the same be paid," for the period of months,] unless he shall sooner pay the said sum of *or* [*where the party has been convicted of an offence punishable by imprisonment with hard labour,*] I, *or* we, adjudge the said *C.D.* for his said offence [*and where the party has been previously convicted insert here,* "he having been previously convicted,"] to be imprisoned in Her Majesty's house of correction at in the of , and there kept to hard labour for the period of months.

Given under hand and seal at in the of , this day of in the year of our Lord

---

FORM OF COMMITMENT FOR NONPAYMENT OF A PECUNIARY PENALTY.

to wit. } To [*A.B.*] an officer of Customs, and to the gaoler or keeper of the gaol at in the of [*C.D.*] having been this day convicted before me [*or* us, *as the case may be,*] of Her Majesty's justices of the peace in and

for the of upon the information of [*A.B.*] an officer of Customs, under the direction of the Commissioners of Customs, of having, within three years now last past, [*here state the offence generally, and the date thereof,*] I [*or* we, *as the case may be,*] did adjudge that the said [*C.D.*] had forfeited for his said offence the sum of , [*adding, if mitigated,*] which I [*or* we, *as the case may be,*] mitigated to the sum of which has not been paid.

This is to command you forthwith to convey the said [*C.D.*] to the gaol at in the of , and to deliver him into the custody of the gaoler *or* keeper of the said gaol.

And I [*or* we] the said justice *or* justices [*as the case may be*] do hereby authorise and require you, the said gaoler or keeper of the said gaol, to receive the said [*C.D.*] into your custody, and him safely to keep in your said gaol until he shall duly pay the said sum of or be discharged according to law [*or, if it be so adjudicated, insert, instead of what follows the word* "gaol," for the period of months, unless he shall sooner pay the said sum of].

Given under hand and seal at in the of , this day of in the year of our Lord

---

FORM OF COMMITMENT TO HARD LABOUR.

to wit. } To [*A.B.*] an officer of Customs, and to the gaoler or keeper of the house of correction at in the of

---

C.D. having been this day duly convicted before me [*or* us, *as the case may be,*] of Her Majesty's justices of the peace for the of upon the information of [*A.B.*] an officer of Customs, under the direction of the Commissioners of Customs, of having, within three years now last past, [*here state the offence generally and date thereof,*] I [*or* we, *as the case may be,*] did adjudge that the said [*C.D.*] should for his said offence [*if previously convicted, say,* "he having been previously convicted,"] be imprisoned in the house of correction at in the said of , and be there kept to hard labour for the period of months.

This is to command you forthwith to convey the said [*C.D.*] to the house of correction at in the of , and to deliver him into the custody of the gaoler or keeper of the said house of correction, and I [*or* we,] the said justice *or* justices, [*as the case may be,*] do hereby authorise and require you, the said gaoler or keeper of the said house of correction, to receive and take the said [*C.D.*] into your custody, and him safely to keep to hard labour in your said house of correction for the period of months.

Given under hand and seal , at in the of , this day of in the year of our Lord

---

A.D. 1876.

SCHEDULE (C.)

FORM OF CONDEMNATION OF SEIZED GOODS.

to wit. } Be it remembered, that an information having been exhibited by [*A.B.*] an officer of Customs, under the direction of the Commissioners of Customs, before me , one of Her Majesty's justices of the peace for the said of , for the condemnation of [*here state the goods,*] for being dealt with contrary to section of "The Customs Consolidation Act, 1876," whereby the same became liable to forfeiture, and which said goods having been claimed by [*C.D.*] of , who was duly summoned to show cause why the same should not be condemned as forfeited, and the forfeiture thereof having been duly proved before me, *or* us, [*as the case may be,*] I, *or* we, [*as the case may be,*] do adjudge the same to be forfeited, and to condemn the same accordingly.

Given under hand and seal at in the of , this day of in the year of our Lord

---

TABLE OF FEES.

	£.	*s.*	*d.*
Each information with or without oath on application for summons against defendant, or for warrant for apprehension of a defendant, or for a warrant for remand, if already detained	*0*	*2*	*6*
Summons to compel appearance of a defendant or of a witness	*0*	*2*	*0*
Duplicate thereof	*0*	*1*	*0*
Search warrant	*0*	*2*	*6*
Warrant for apprehension or for remand	*0*	*2*	*6*
Taking examinations or depositions of witnesses, per folio	*0*	*0*	*8*
Copies for Revenue Solicitor when required by him, per folio	*0*	*0*	*4*
Taking down statement of defendant, if any	*0*	*1*	*0*
Warrant of commitment after conviction or for trial	*0*	*2*	*6*
Copy thereof for Revenue Solicitor if required by him	*0*	*1*	*0*
Each recognizance for a defendant's appearance	*0*	*2*	*6*
Recognizance to prosecute and give evidence when necessary	*0*	*2*	*6*
Recording conviction or acquittal	*0*	*1*	*0*
Engrossing conviction on parchment and filing same when required by Revenue Solicitor	*0*	*6*	*0*

Customs Laws Consolidation.

A

B I L L

To consolidate the Customs Laws.

(*Prepared and brought in by Mr. Raikes, Mr. William Henry Smith, and Mr. Chancellor of the Exchequer.*)

Ordered, by The House of Commons, *to be Printed*, 18 *May* 1876.

[Bill 154.]

Under 15 *oz.*

Customs Laws Consolidation Bill.

SYNOPSIS

OF

THE CUSTOMS CONSOLIDATION BILL, 1876.

AND THE UNREPEALED SECTIONS OF EXISTING ACTS.

Clauses.		
1	Existing Law.	
2		
3		
4		
5		
6		
7		
8		
9	Existing Law.	Consolidation of Two Sections of different Acts.
10	Existing Law.	
11	Existing Law.	Consolidation of Two Sections of different Acts with proviso in conformity with the decision of the Queen's Bench in Williams v. Nicholson, 1871.
12	Existing Law.	
13		
14		
15		
16		
17	Existing Law.	Consolidation of Two Sections of different Acts.
18	Existing Law.	
19		
20		
21		
22		
23		
24		
25		
26		
27		
28		
29		
30		
31	Existing Law.	Consolidation of Four Sections of different Acts.
32	Existing Law.	Consolidation of Two Sections for brevity.
33	Existing Law.	Consolidation of Three Sections for brevity.

Clauses.

34, 35, 36 } Existing Law.

37 Existing Law, but reducing Penalty of 20*l.* to 5*l.*, or Imprisonment not exceeding two months for default.

38, 39, 40, 41 } Existing Law.

42 Existing Law. Consolidation of Seven Sections of different Acts.

43 Existing Law.

44 Existing Law. Consolidation of Two Sections of different Acts.

45 Existing Law. Consolidation of Two Sections for brevity.

46

47, 48, 49 } Existing Law.

50 Existing Law, adapted to Transit Shed System and Form in Schedule.

51 Existing Law. Consolidation of Two Sections of different Acts.

52, 53, 54 } Existing Law.

55 Existing Law, with Forms in Schedule.

56 Existing Law.

57, 58 } Existing Law, with Form in Schedule.

59 Existing Law. Consolidation of Two Sections of different Acts.

60 Existing Law.

61 Existing Law. Consolidation of Two Sections of different Acts.

62, 63, 64 } Existing Law.

65 Existing Law, providing for size of entry.

66, 67, 68, 69, 70, 71 } Existing Law.

72 Existing Law. Consolidation of Three Sections of different Acts.

73 Existing Law. Consolidation of Three Sections of different Acts.

74 Existing Law.

75 Existing Law. Consolidation of Two Sections of different Acts.

76, 77 } Existing Law.

Clauses.

78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88 } Existing Law.

89 Existing Law. Consolidation of Two Sections of different Acts.

90, 91 } Existing Law.

92 Existing Law. Consolidation of Two Sections of different Acts.

93, 94 } Existing Law.

95 Existing Law. Consolidation of Five Sections of different Acts.

96, 97, 98, 99 } Existing Law.

100 Existing Law. Consolidation of Two Sections.

101 Existing Law. Consolidation of Two Sections of different Acts.

102, 103 } Existing Law.

104 Existing Law, Consolidation of Two Sections of different Acts.

105 Existing Law, with Form in Schedule.

106, 107 } Existing Law.

108, 109 } Existing Law.

110 Existing Law. Consolidation of Two Sections of different Acts, with Forms in Schedule.

111, 112 } Existing Law.

113 Existing Law. Consolidation of Two Sections of different Acts.

114 Existing Law.

115 Existing Law. Consolidation of Two Sections of different Acts.

116, 117, 118, 119, 120, 121, 122, 123 } Existing Law.

Clauses.

124–127 Existing Law.

128 Existing Law. Consolidation of Two Sections of different Acts, and authorizing Commissioners to dispense with Content and Form in Schedule.

129 Existing Law.

130 Existing Law. Consolidation of Two Sections.

131–132 Existing Law.

133 Existing Law. Consolidation of Two Sections of different Acts.

134–135 Existing Law.

136 Existing Law, with additional Provision against contumaciously carrying off to sea Officers boarded on Ships.

137 Existing Law, with an exception as to Contraband of War.

138–140 Existing Law.

141 Existing Law. Consolidation of Two Sections.

142–144 Existing Law.

145 Existing Law, with Form in Schedule.

146–147 Existing Law.

148 Pre-existing Law as to Coals, being a Concession accidentally repealed in 1853, but restored to practice as to Free Goods as well as Coals.

149–155 Existing Law.

156 Existing Law, being a Consolidation of Two Sections.

157–159 Existing Law.

160 Existing Law. Consolidation of Two Sections of different Acts.

161 Existing Law.

162 Existing Law. Consolidation of Two Sections of different Acts.

163–166 Existing Law.

Clauses.

167–175 Existing Law.

176 Existing Law. Consolidation of Two Sections of different Acts.

177 Existing Law. Consolidation of Four Sections.

178 Existing Law.

179 Existing Law. Consolidation of Four Sections of different Acts, with limitation of right of search beyond the league.

180 Existing Law (leaving out the surplusage about 100 leagues).

181–184 Existing Law.

185 Existing Law. Consolidation of Three Sections.

186 Existing Law. Consolidation of Four Sections.

187 Existing Law. Consolidation of Three Sections, with modification of punishment by substituting a pecuniary penalty of 100*l.* for imprisonment with hard labour from six to 12 months under Customs Consolidation Act, 1853, s. 247, transportation for seven years under Customs Consolidation Act, 1853, s. 251, and transportation for life or imprisonment from three to 15 years under Customs Consolidation Act, 1853, s. 248, except for the offence of assembling armed, made the subject of clause 188.

188 Existing Law, with substitution of a pecuniary penalty not exceeding 500*l.* in lieu of imprisonment with hard labour from six to 12 months under Customs Consolidation Act, 1853, s. 247.

189 Existing Law, being a Consolidation of Four Sections, with the substitution of imprisonment for 12 months in lieu of hard labour from six to 12 months under Customs Consolidation Act, 1853, s. 247, and of imprisonment with or without hard labour for three years in lieu of transportation for life or imprisonment from three to 15 years under Customs Consolidation Act, 1853, ss. 248 and 249, and transportation as a felon for seven years under Customs Consolidation Act, 1853, s. 250.

190–192 Existing Law.

193 Existing Law, with the substitution of penal servitude for five years or imprisonment not exceeding three years in lieu of penal servitude for life or for 15 years.

194–197 Existing Law.

Clauses.		
198, 199	Existing Law.	
200	Existing Law.	Consolidation of Two Sections for brevity.
201	Existing Law.	
202	Existing Law.	Consolidation of Four Sections of different Acts.
203	Existing Law.	
204	Existing Law.	Consolidation of Two Sections of different Acts.
205, 206	Existing Law.	
207	Existing Law.	Consolidation of Two Sections of different Acts.
208	Existing Law.	
209	Existing Law.	Consolidation of Two Sections.
210, 211, 212, 213	Existing Law.	
214	Existing Law.	Consolidation of Two Sections of different Acts.
215, 216, 217	Existing Law.	
218	Existing Law.	Consolidation of Four Sections of different Acts.
219, 220, 221, 222, 223, 224	Existing Law.	
225	Existing Law.	Consolidation of Two Sections.
226, 227, 228, 229, 230	Existing Law.	
231	Existing Law.	Consolidation of Three Sections.
232	Existing Law.	Consolidation of Two Sections.
233	Existing Law thus modified: under the Customs Act at present summary proceedings before justices are restricted to cases where smuggled spirits do not exceed two gallons nor tobacco 10 lbs.; if the quantities are greater the order of the Board for prosecution is required, for obtaining which a remand is necessary, the offender liable to be imprisoned in the meantime, and the justices have no power of mitigation. By this clause summary jurisdiction is extended to cases where spirits do not exceed five gallons nor tobacco 20 lbs.; if, in excess of these quantities, up to 20 gallons of spirits or 80 lbs. of tobacco, the Board's order is required, but the justices are by this clause authorized to mitigate the pecuniary penalty incurred to any sum not less than one fourth. Beyond these quantities the justices have no power of mitigation. These modifi-	

Clauses.

cations in favour of the subject are proposed in deference to the suggestions of stipendiary magistrates of large experience, and the ends of justice will, no doubt, be furthered by the concession.

234 Existing Law, modified by reduction of severe penalties, and confirming power given to justices by 29 & 30 Vict. c. 90. s. 51. to adjudicate instead of resorting to the expensive and dilatory course of proceedings in the Superior Courts in quarantine cases.

235 Existing Law. Consolidation of Two Sections of different Acts.

236 Existing Law.

237 Existing Law. Consolidation of Three Sections.

238, 239 Existing Law.

240 Existing Law. Consolidation of Two Sections.

241–258 Existing Law.

259 Existing Law. Consolidation of several Sections of different Acts.

260–275 Existing Law.

Clauses.

276
277
278
279 } Existing Law.
280
281
282
283

284 Existing Law. Interpretation Clause adapted to the present Bill.

285 Existing Law, inserted to amend a clerical error in date in the original section, and to remove a doubt whether the Customs Benevolent Fund comes under Life Assurance Companies Act, 1870.

286 Correction of one of Three Sections relating to Playing Cards saved in Schedule of repeal.

287 Existing Law, being Section 17 of 20 & 21 Vict. c. 62., enacted for the restoration of Sections 9, 10, 11, and 12 of 8 & 9 Vict. c. 90. which had been repealed in error by a previous statute.

288 Existing Law.

289 Existing Law as to Customs Acts.

290 Usual Clause for commencement of Act and short title.

Schedule, Repealed Acts, &c.

———Forms heretofore embodied in the Acts, but put together for greater convenience and easier reference.

———Forms of Information, &c., as heretofore.

Table of Magistrates Clerks fees applicable to Customs Cases.

General Observations.

On the first Consolidation of the Customs Laws into a single Act of Parliament in 1853, the various Acts from which the then existing Law had to be culled amounted to 290 pages, which were compressed into 363 sections. The Statutes from which the clauses of the present Bill have been extracted extend to 600 folio pages, and the existing Law deduced therefrom is by this Bill reduced to only 290 clauses. So that although a large proportion of these clauses are reproductions verbatim of the original enactments, many others, although properly described as existing law, are combinations of various sections modified by successive changes, alterations, and amendments which have been called for by the emergencies of the public service and the progress of commerce.

As was observed on the former Consolidation in 1853, where any sections are described as "existing law," it must not be understood that they in all cases repeat verbatim the words of the existing Statutes, but generally embody their provisions in language as brief as perspicuity will admit.

Observations on the Schedule of Repealed Acts and Clauses Saved therein.

Sections 2 and 3 of the 8 & 9 Vict. c. 85. are the only portions of that Act which were kept alive on account of questions then pending in reference thereto, but upon which it was not found expedient to take any action. By the present repeal of these sections of an otherwise absolutely defunct Act, and

the simple restoration of their provisions to their proper place in the Customs Code, the Act of 8 & 9 Vict. c. 85. will be cleared from the Statute Book. They stand in the present Bill as Clauses 1 and 2.

Sections 114, 115, and 116 relate to playing cards, which, if made in the United Kingdom, are subject to an Inland Revenue Stamp Duty; and, if imported, to a duty of Customs, and to restrictions on delivery, sale, &c. These provisions being seldom resorted to, and not of general interest, are saved from repeal instead of encumbering the Act with them.

Sections 165, 166, 181, 182, 183, 185, 187, and 188 are remnants of the old policy under which the fiscal revenues of the British Possessions abroad were managed and administered under the authority of the Home Government; but since the emancipation in this particular of the Colonies and their adoption of the system of self-government under local Acts or Ordinances approved by the Crown, these provisions have, it is believed, become obsolete; but they are thus saved as to any Possessions abroad in which provision may not have been made by local legislation, lest some remote Colony should perchance lack the protection of fiscal laws and regulations.

Sections 324 to 327, and 329 to 331 of The Customs Consolidation Act, 1853, relate to what in that Act is rather elusively termed reciprocity, but which would be more aptly termed retaliation. They are provisions of long standing, and there is only one instance on record of their having been resorted to years ago, but as it is possible, though not probable, that they might again be availed of, they are prudentially saved from repeal.

Sections 332, 333, and 335 to 341 inclusive, and also 343, 344, and 345 relate to the modus operandi of acquiring and disposing of lands and premises for Customs purposes, but as they are seldom resorted to, and of no use either to the officers of Customs generally or to the mercantile community, it did not appear desirable to encumber an Act, which will really be a convenient hand-book for the merchant as well as the officer of Customs, with voluminous provisions in which they have no interest. They are therefore saved verbatim, with the exception of two sections, namely, 334 and 342 of "The Customs Consolidation Act, 1853," (being clauses 275 and 276 of the present Bill,) in which it was necessary to make some alterations to render them conformable, the one with the office of Receiver General, and the other with the 8th section of 22 & 23 Vict. c. 21. for regulating the payment into the Court of Chancery of moneys of incapacitated persons.

Section 6 of 19 & 20 Vict. c. 75. has reference to the provision made for the superannuated coalmeters by Government annuities, nearly all expired, and this section is only saved as the annuitants are of the respective ages of 83, 71, and 70, and it will shortly die a natural death, when the clause would only be a useless addition to the Act. It is, therefore, only saved as a temporary measure.

Divers portions of the former Consolidation Act, though not actually repealed, have been superseded or rendered obsolete by legislative changes.

Sections 12, 80, 81, the latter part of 107, 108, and the latter part of 159 and 162, relating to sugar have become inoperative by the repeal of the Sugar Duties. The first part of 107 is re-enacted in clause 96, the first part of 159

as to base coin re-enacted in clause 150, and the remainder repealed by 34 & 35 Vict. c. 103.

Sections 14, 15, 16, and 71 relating to licensed agents became useless in 1861 when that class of semi-official persons was discontinued.

Sections 57 and 111 relating to under valuation of goods became obsolete by the repeal of ad valorem duties.

Sections 77, 78, 84, 102, 168, 174, and 179, relating to differential duties and certificates of origin no longer in existence or required; and Sections 85, 106, and 113 relating to the measurement and assessment of timber now duty free.

Lastly, it may be observed that much confusion has arisen and great inconvenience has been experienced, particularly by non-legal men as well as the officers of Customs, from the difficulty of finding out the law distributed through many Acts, which in many cases inflict severe penalties, against which ignorance affords no legal excuse. This consolidation of everything relating to Customs which concerns the mercantile community will so far remedy this oft complained of grievance so far as existing law is concerned.

SYNOPSIS

OF

THE CUSTOMS CONSOLIDATION BILL, 1876,

AND THE UNREPEALED SECTIONS OF EXISTING ACTS.

18*th May* 1876.

Divine Worship Facilities Bill.

ARRANGEMENT OF CLAUSES.

Clauses.

1. Short title.
2. The bishop may license a clergyman in certain cases.
3. Licence in cases of insufficient accommodation, &c.
4. Licence in cases of habitual neglect of duty.
5. Commission of inquiry.
6. Who are to be commissioners.
7. Proceedings of commissioners.
8. Conditions of licence.
9. Avoidance of licence on new incumbency.
10. Revocation of licence.
11. Appeals.
12. Disposal of alms.
13. Fees payable under this Act.
14. Declaration by applicants, &c.
15. Definitions.

A

B I L L

TO

Provide additional facilities for the Performance of Divine Worship according to the Rites and Ceremonies of the Church of England. A.D. 1876.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the "Additional Facilities for Divine Worship Act, 1876."

The bishop may license a clergyman in certain cases.

2. Whenever the bishop of a diocese, either from his own knowledge, or in consequence of an application made to him in writing by the archdeacon of the archdeaconry within which any parish is situate, or by a churchwarden of any parish, or by any five parishioners of any parish, shall have reason to believe that it would be expedient that additional facilities for the performance of Divine worship should be provided in such parish, being a parish within such diocese, the said bishop may, if he think fit, in certain cases, and subject to certain limitations, herein-after mentioned, license a clergyman to officiate within such parish, subject to the provisions herein-after contained.

Licence in cases of insufficient accommodation, &c.

3. The bishop may grant a licence under this Act in any of the following cases:—

(1.) Where the accommodation provided by existing churches or other consecrated or licensed buildings within the parish is insufficient in amount for the requirements of the inhabitants of such parish:

(2.) Where there is a house or houses containing more than *one hundred* inhabitants distant more than *one mile* from any church or from any other consecrated or licensed buildings in the parish:

A.D. 1876.

(3.) Where the incumbent has refused to make sufficient provision for the performance of such offices and services of the church as such incumbent is authorised by law to perform.

Before granting a licence under this section, the bishop shall give *six months* notice in writing to the incumbent, and shall in such notice state the reasons for granting such licence; and such incumbent may, within such *six months*, transmit to the bishop in writing a statement in reference to the proposed grant of such licence, and may state therein his approval or disapproval of the grant of such licence.

No licence shall be granted under this section unless the payment to the clergyman licensed thereby of such stipend as the bishop shall in such licence direct is secured to the satisfaction of such bishop.

In any licence granted under sub-sections one and two of this section, or under either of such sub-sections, the bishop may, if he think fit, assign a conventional district to the clergyman named in such licence, and the consent of the incumbent shall not be necessary thereto.

Licence in cases of habitual neglect of duty.

4. The bishop may grant a licence under this Act when the incumbent has habitually neglected to discharge the duties appertaining to the cure of souls in his parish.

Before granting a licence under this section, the bishop shall give *three months* notice in writing to the incumbent, requiring such incumbent to nominate to him a fit person with a sufficient stipend to be licensed by such bishop to perform or assist in performing such duties; and such bishop shall specify in such notice the grounds of such requisition; and such licence shall not be granted if the incumbent complies within such three months with such requisition.

In every licence granted under this section the bishop shall appoint the stipend to be paid to the clergyman licensed thereby; and such stipend shall be paid by the incumbent, and shall not exceed the stipend which may be granted to a curate licensed by the bishop under an Act of the first and second year of the reign of Her Majesty, chapter one hundred and six, section seventy-seven; and the payment of such stipend may be enforced by the bishop by monition, and by sequestration of the profits of the benefice held by such incumbent.

1 & 2 Vict. c. 106. s. 77.

Commission of inquiry.

5. Before granting a licence under section four of this Act, the bishop may, if he shall think fit, or shall, if requested in writing

either by the incumbent or by the person or persons making the application for such licence, appoint a commission of inquiry as hereinafter provided, and in such case the bishop shall not grant the licence unless the report of the commission be favourable thereto.

Who are to be commissioners.

6. The commission shall consist of five persons. One of the commissioners shall be the archdeacon of an archdeaconry or the rural dean of a rural deanery of the diocese within which the parish is situate, as the bishop may determine. One commissioner shall be an incumbent of the diocese nominated by the incumbent. One commissioner shall be an incumbent of the diocese nominated by the person or persons making the application, or by the majority of such persons. One commissioner shall be a magistrate, being in the commission of the peace for the county wherein the parish church of the parish is situate, nominated by the incumbent. One commissioner shall be a magistrate, being in the commission of the peace for the county wherein the parish church of the parish is situate, nominated by the person or persons making the application, or by the majority of such persons.

In cases in which no application for a licence has been made as aforesaid, one incumbent of the diocese, and one magistrate, being in the commission of the peace for the county wherein the parish church of the parish is situate, shall be nominated as commissioners by the person who has presided as chairman of the last preceding quarter sessions for the county or division of the county wherein the parish church of the parish is situate, or if there be no such person, then by the lord lieutenant of such county.

Notice of the intention to issue such commission shall be delivered or sent by the bishop to the incumbent, to the person or persons making the application, and to the chairman of quarter sessions or lord lieutenant of the county, as the case may be, and such commission shall not issue until the expiration of *one month* from the delivery or sending of such notices.

If the incumbent or the person or persons making the application or such chairman or lord lieutenant respectively shall omit to nominate a commissioner within the period of *one month* from the delivery or sending of such notices, the bishop may nominate a commissioner instead of such incumbent or person or persons or chairman or lord lieutenant respectively.

Proceedings of Commissioners.

7. When and so soon as such commission shall be issued, notice of such commission shall be delivered or sent by the bishop to

A.D. 1876.

each commissioner, and to the incumbent of the parish, and to the person or persons making the application (if any).

Service by prepaid letter shall be sufficient service of all notices and documents.

The commissioners shall give *seven days* notice of their first meeting, affixed to the usual place of public notices in the parish church.

Three of the commissioners shall constitute a quorum; and the commissioners at a meeting duly constituted, and at any duly constituted meeting adjourned therefrom, may examine upon oath, if they see fit, any person desirous or wishing to be examined by them touching any matter relating to the object of the said commission, and may administer the oaths necessary for that purpose; and the commissioners shall, in their report, certify all such matters and things as shall appear to them material, together with their opinion as to the expediency or otherwise of the proposed grant of a licence.

Any evidence given before the commission, and every statement made by them in their report, shall be deemed to be in the nature of a communication privileged in law. The costs incurred by or on behalf such commissioners shall be defrayed by the bishop, or by the person or persons making the application, as the case may be, but such costs shall not exceed the sum of twenty pounds.

Conditions of licence.

8. Every licence granted by the bishop under section three of this Act shall be given under his hand and episcopal seal, and shall specify the offices and services which may be performed under such licence, and the chapel, schoolroom, or building, whether consecrated or unconsecrated, in which such offices and services may be performed; and the bishop may, if he think fit, give the clergyman named in such licence power, at the request of any inhabitant of the parish or of any part of the parish named in the licence, to visit such person, and to read the order for the visitation of the sick, and to administer the Lord's Supper, according to the order for the communion of the sick, or to do any of such acts. The bishop shall not include in any such licence the solemnization of marriage, or the permission to officiate in any church or other place of public worship in which the incumbent is required by law to perform or to provide for the performance of divine service.

It shall not be lawful for the incumbent to officiate in any building specified in a licence granted under this section, except with the consent of the clergyman licensed to officiate therein.

Every licence granted by the bishop under section four of this Act shall be given under his hand and episcopal seal, and shall

specify the duties which may be performed under such licence by the clergyman named therein, and such duties may comprise the whole or any part of the duties appertaining to the cure of souls within the parish, so far as the discharge of such duties has been habitually neglected by the incumbent as aforesaid.

Avoidance of licence on new incumbency.

9. Every licence granted under this Act shall determine upon the expiration of *three months* after the institution, collation, or admission of any successor of the incumbent in whose incumbency such licence was first granted, unless such successor shall, before the expiration of such *three months*, signify in writing to the bishop his consent to the continuance of such licence. On the determination of any licence a fresh licence may be granted in the manner herein-before provided in the case of the grant of an original license.

Revocation of licence.

10. The bishop may, if he shall think fit, by a writing under his hand and episcopal seal, revoke at any time any licence granted by him or any of his predecessors under this Act.

Appeals.

11. It shall be lawful for the incumbent of any parish, after the grant of any licence under sections three and four of this Act, or either of such sections, to appeal to the archbishop of the province against the grant of such licence.

It shall be lawful for any clergyman whose licence may have been revoked under this Act to appeal to the archbishop of the province against such revocation.

In all appeals under this section notice of such appeal shall be given within *one month* after the date of the act complained of, and the archbishop shall make such order in the matter as, after consideration of the whole circumstances of the case, shall appear to him just and proper; and the provisions of the Act of the first and second year of the reign of Her Majesty, chapter one hundred and six, section one hundred and eleven, shall, mutatis mutandis, be deemed to be applicable to appeals under this Act as if the said section were here repeated and made applicable to the provisions of this Act.

1 & 2 Vict. c. 106. s. 111.

Disposal of alms.

12. The alms collected in or after any service performed under a licence granted under section three of this Act shall be disposed of as the clergyman named in such licence shall determine, subject to the direction of the bishop.

Fees payable under this Act.

13. All licences granted to a clergyman under this Act to officiate under this Act shall be registered in the registry of the diocese; and the fees, if any, of the registrar of the diocese, in relation to such licences and to all matters arising in pursuance of

A.D. 1876. this Act, shall be fixed and regulated from time to time in the same manner as the fees are fixed and regulated under the above-recited Act of the first and second year of the reign of Her Majesty, chapter one hundred and six, section one hundred and thirty-one.

1 & 2 Vict. c. 106. s. 131.

Declaration by applicants, &c.

14. Every person, before making an application under this Act, and every magistrate, before serving on a commission under this Act, shall sign and transmit to the bishop the following declaration:

'I, *A.B.*, do hereby solemnly declare, that I am a member of the 'Church of England as by law established.

'Given under my hand this day of .'

Definitions.

"Bishop:" **15.** In this Act—

The expression "bishop" shall include an archbishop in his own diocese:

"Parish:" The term "parish" shall include a new parish and an eclesiastical district:

"Parishioner:" The term "parishioner" shall mean a male person of full age who has, and for one year next before making an application under this Act has had, his usual place of abode in the parish to which such application relates.

Divine Worship Facilities.

A

B I L L

To provide additional Facilities for the Performance of Divine Worship according to the Rites and Ceremonies of the Church of England.

(Prepared and brought in by Mr. Wilbraham Egerton, Mr. Birley, Mr. Whitwell, and Mr. Rodwell.)

Ordered, by The House of Commons, *to be Printed,* 9 *February* 1876.

[Bill 30.] *Under* 1 *oz.*

A

B I L L

TO

Confirm two Provisional Orders made under "The Drainage and Improvement of Lands (Ireland) Act, 1863," and the Acts amending the same. A.D. 1876.

WHEREAS the Commissioners of Public Works in Ireland have, in pursuance of "The Drainage and Improvement of Lands Act (Ireland), 1863," and the Acts amending the same, duly made the Provisional Orders contained in the first and second schedules to this Act annexed, and it is by the first mentioned Act provided that no such order shall be of any validity whatever until confirmed by Parliament, and it is expedient that said orders should be so confirmed: 26 & 27 Vict. c. 88.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of same, as follows:

1. The Provisional Orders contained in the first and second schedules hereto annexed are hereby confirmed, and from and after the passing of this Act shall respectively be deemed to be a public general Act of Parliament, of the like force and effect as if the provisions of the same had been enacted in the body of this Act. Provisional Orders in schedule confirmed.

2. This Act may be cited for all purposes as "The Drainage and Improvement of Lands Supplemental Act (Ireland), 1876." Short title.

A.D. 1876.

SCHEDULES.

FIRST SCHEDULE.

The Drainage and Improvement of Land Act (Ireland), 1863.

26th & 27th Vict. cap. 88; 27th & 28th Vict. cap. 72; 28th & 29th Vict. cap. 52; 32nd & 33rd Vict. cap. 72; 35th & 36th Vict. cap. 31; and 37th & 38th Vict. cap. 32.

In the Matter of the River Bride and Kilcrea Drainage District, in the county of Cork.

Whereas certain proprietors of and persons interested in the lands upon and adjacent to the above-named river Bride, on or about the thirteenth day of April one thousand eight hundred and seventy-two, presented their petition to the Commissioners of Public Works in Ireland, under the provisions of "The Drainage and Improvement of Land Act (Ireland), 1863," (herein-after called the Act of 1863,) and the Acts amending the same, accompanied by the proper schedules, maps, plans, sections, and estimates, together with other particulars and information required by the said Act, showing, by reference to the said maps, the boundaries and area of the proposed Drainage District, and stating the exigencies rendering the formation of such Drainage District necessary, and praying that said lands within the proposed district should be constituted a separate Drainage District under the provisions of the said Acts: And whereas the said Commissioners referred the same to Samuel Usher Roberts, Esquire, civil engineer, an inspector duly appointed under the said Acts: And whereas all notices and inquiries required by the said Act have been duly given and made, and the said inspector has duly reported to us, the said Commissioners, in writing, the result of his inquiries, and we, the said Commissioners, have duly considered the same:

And whereas no objection to the said report has been made to us:

And whereas all preliminaries required by the said Act of 1863 to precede the making of this Provisional Order have been performed and complied with: And whereas we, the said Commissioners, upon consideration of the premises, are satisfied of the propriety of constituting the proposed separate Drainage District, and that the proprietors of two-third parts in value of the lands in the proposed district are in favour thereof, and have subsequently to the date of the report of the said inspector assented thereto in writing:

Now, therefore, in pursuance of the power given to us by the said Acts, we, the Commissioners of Public Works in Ireland, do, by this Provisional Order under our common seal, constitute the area in the said petition and report, and the boundaries and extent of which are set forth within yellow lines on the map to which we have caused our common seal to be attached (and which map is deposited in the Office of Public Works in Ireland), a separate Drainage District by the name of "The River Bride and Kilcrea Drainage District."

And we do declare that the lands to be purchased for the proposed works in said district (subject to such alterations and deviations therefrom as we, the said Commissioners, may hereafter sanction) are the lands in that behalf shown and set forth in the said map and the schedule thereto annexed, marked with the letter B, and also sealed with our common seal.

And we, the said Commissioners of Public Works, do, by this our Order, order and direct that the time for the completion of the necessary works in the said district shall be limited to the first day of December which will be in the year one thousand eight hundred and seventy-eight.

And we do further, by this our Provisional Order, make the following regulations with respect to the Drainage Board:

That the Drainage Board for said District shall consist of six members:

That the following persons shall be the members of the first Drainage Board; viz.,

William Clarke, of Farran Court, in the county of Cork, Esquire;

William John Barter, of Aherlabeg, in the county of Cork, Esquire;

Valentine Mairis, of Rosemount, in the county of Cork, Esquire;

Richard Good, of Aherlow, in the county of Cork, Esquire;

John Devonsher Hawkes, of Kilcrea House, in the county of Cork, Esquire; and

Jeremiah Daniel Murphy, of Garryhesty, in the county of Cork, Esquire:

That the first meeting of said Board shall be summoned by notice under the hands of any two or more of the said Board, published in the Dublin Gazette and some newspaper generally circulated in the said district, at least fourteen days next before the day of meeting:

That the qualification of any subsequent member of the said Board shall be that he shall be the proprietor (as defined by the said Act of 1863, and the Acts referred to therein or incorporated therewith,) of not less than twenty acres of land situate within the area of the said district, or the land agent for the time being of a person being a proprietor as aforesaid of not less than one hundred acres of land situate within the area of said district, and acting as receiver of the rents and profits of such lands:

That the members of the first Board shall vacate their offices on the first Thursday in September in the year following the date of this Provisional Order:

That the electors for members of the Drainage Board shall be the persons in that behalf mentioned in the said Act of 1863: Provided always, that no such elector shall be entitled to vote or exercise any privilege as such unless the lands of which he is the proprietor, or some portion thereof, shall be rateable on account of the works in the district, and he shall have previously paid all rates or arrears of rates which may be payable by him in respect of any drainage rate for the aforesaid district.

In witness whereof we, the said Commissioners of Public Works in Ireland, have hereunto caused our common seal to be affixed, this third day of November one thousand eight hundred and seventy-five.

Office of Public Works, Dublin. E. Hornsby,
(Seal) Secretary.

A.D. 1876.

SECOND SCHEDULE.

The Drainage and Improvement of Land Act (Ireland), 1863.

26th & 27th Vict. cap. 88 ; 27th & 28th Vict. cap. 72 ; 28th & 29th Vict. cap. 52 ; 32nd & 33rd Vict. cap. 72 ; 35th & 36th Vict. cap. 31 ; and 37th & 38th Vict. cap. 32.

In the Matter of the Tory Hill Drainage District, in the county of Limerick.

Whereas certain proprietors of and persons interested in the lands upon and adjacent to the above-named river, on or about the sixteenth day of October one thousand eight hundred and seventy-four, presented their petition to the Commissioners of Public Works in Ireland, under the provisions of "The Drainage and Improvement of Land Act (Ireland), 1863," (herein-after called the Act of 1863,) and the Acts amending the same, accompanied by the proper schedules, maps, plans, sections, and estimates, together with other particulars and information required by the said Act, showing, by reference to the said maps, the boundaries and area of the proposed Drainage District, and stating the exigencies rendering the formation of such Drainage District necessary, and praying that said lands within the proposed district should be constituted a separate Drainage District under the provisions of the said Acts : And whereas the said Commissioners referred the same to William Forsyth, Esquire, civil engineer, an inspector duly appointed under the said Acts : And whereas all notices and inquiries required by the said Act have been duly given and made, and the said inspector has duly reported to us, the said Commissioners, in writing, the result of his inquiries, and we, the said Commissioners, have duly considered the same :

And whereas no objection to the said report has been made to us :

And whereas all preliminaries required by the said Act of 1863 to precede the making of this Provisional Order have been performed and complied with : And whereas we, the said Commissioners, upon consideration of the premises are satisfied of the propriety of constituting the proposed separate Drainage District, and that the proprietors of two third parts in value of the lands in the proposed district are in favour thereof, and have subsequently to the date of the report of the said inspector assented thereto in writing :

Now, therefore, in pursuance of the power given to us by the said Acts, we, the Commissioners of Public Works in Ireland, do, by this Provisional Order under our common seal, constitute the area in the said petition and report, and the boundaries and extent of which are set forth within yellow lines on the map to which we have caused our common seal to be attached (and which map is deposited in the Office of Public Works in Ireland), a separate Drainage District by the name of "The Tory Hill Drainage District."

And we do declare that the lands to be purchased for the proposed works in said district (subject to such alterations and deviations therefrom as we, the said

Commissioners, may hereafter sanction) are the lands in that behalf shown and set forth in the said map and the schedule thereto annexed, marked with the letter B, and also sealed with our common seal.

And we, the said Commissioners of Public Works, do, by this our Order, order and direct that the time for the completion of the necessary works in the said district shall be limited to the first day of July which will be in the year one thousand eight hundred and seventy-eight.

And we do further, by this our Provisional Order, make the following regulations with respect to the Drainage Board:

That the Drainage Board for the said district shall consist of five members:

That the following persons shall be the members of the first Drainage Board; viz.,

Sir David Vandeleur Roche of Carass, Croome, in the county of Limerick, Baronet;

Edward John Synan of Ashbourne House, in the county of Limerick, Esquire, M.P.;

Charles Edward Napier Curling of Newcastle West, in the county of Limerick, Esquire;

Patrick O'Donnell of Killeedy, Ashford, in the county of Limerick, Esquire;

William H. Newenham of East Hill House, Queenstown, in the county of Cork, Esquire:

That the first meeting of said Board shall be summoned by notice under the hands of any two or more of the said Board, published in the Dublin Gazette and some newspaper generally circulated in the said district, at least fourteen days next before the day of meeting:

That the qualification of any subsequent member of the said Board shall be that he shall be the proprietor (as defined by the said Act of 1863, and the Acts referred to therein or incorporated therewith,) of not less than twenty acres of land situate within the area of the said district, or the land agent for the time being of a person being a proprietor as aforesaid of not less than one hundred acres of land situate within the area of said district, and acting as receiver of the rents and profits of such lands:

That the members of the first Board shall vacate their offices on the first Thursday in September in the year following the date of this Provisional Order:

That the electors for members of the Drainage Board shall be the persons in that behalf mentioned in the said Act of 1863: Provided always, that no such elector shall be entitled to vote or exercise any privilege as such unless the lands of which he is the proprietor, or some portion thereof, shall be rateable on account of the works in the district, and he shall have previously paid all rates or arrears of rates which may be payable by him in respect of any drainage rate for the aforesaid district.

In witness whereof we, the said Commissioners of Public Works in Ireland, have hereunto caused our common seal to be affixed, this fourth day of November one thousand eight hundred and seventy-five.

Office of Public Works, Dublin.

E. Hornsby,
(Seal) Secretary.

Drainage and Improvement of Land (Ireland) Provisional Orders.

A

BILL

To confirm two Provisional Orders made under "The Drainage and Improvment of Land (Ireland) Act, 1863," and the Acts amending the same.

(Prepared and brought in by Mr. William Henry Smith and Mr. Solicitor General for Ireland.)

Ordered, by The House of Commons, *to be Printed*, 15 *February* 1876.

[Bill 71.]

Under 1 *oz.*

A

B I L L

TO

Confirm two Provisional Orders made under "The Drainage and Improvement of Lands (Ireland) Act, 1863," and the Acts amending the same. A.D. 1876.

WHEREAS the Commissioners of Public Works in Ireland have, in pursuance of "The Drainage and Improvement of Lands Act (Ireland), 1863," and the Acts amending the same, duly made the Provisional Orders contained in the First and Second Schedules to this Act annexed; and it is by the first-mentioned Act provided that no such Orders shall be of any validity whatever until confirmed by Parliament; and it is expedient that said Orders should be so confirmed: Preamble. 26 & 27 Vict. c. 88. Section 6. Part 7.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. The Provisional Orders contained in the First and Second Schedules hereto annexed are hereby confirmed, and from and after the passing of this Act shall respectively be deemed to be a public general Act of Parliament, of the like force and effect as if the provisions of the same had been enacted in the body of this Act. Provisional Order in Schedules confirmed.

2. This Act may be cited for all purposes as "The Drainage and Improvement of Lands Supplemental Act (Ireland), 1876 (No. 2). Short title.

FIRST SCHEDULE.

The Drainage and Improvement of Lands Act (Ireland), 1863.

26 & 27 Vict. cap. 88 ; 27 & 28 Vict. cap. 72; 28 & 29 Vict. cap. 52 ; and 32 & 33 Vict. cap. 72.

In the matter of the Fourtowns and Jerritzpass Drainage District, in the counties of Armagh and Down.

Whereas certain proprietors of and persons interested in the lands upon and adjacent to the Poyntz-Pass River on or about the twenty-second day of December one thousand eight hundred and seventy-three presented their petition to the Commissioners of Public Works in Ireland, under the provisions of "The Drainage and Improvement of Lands Act (Ireland), 1863," (hereinafter called the Act of 1863,) and the Acts amending the same, accompanied by the proper schedules, maps, plans, sections, and estimates, together with other particulars and information required by the said Act, showing, by reference to the said maps, the boundaries and area of the proposed Drainage District, and stating the exigencies rendering the formation of such Drainage District necessary, and praying that said lands within the proposed district should be constituted a separate Drainage District under the provisions of the said Acts: And whereas the said Commissioners referred the same to William Forsyth, Esquire, civil engineer, an inspector duly appointed under the said Acts: And whereas all notices and inquiries required by the said Act have been duly given and made, and the said inspector has duly reported to us, the said Commissioners, in writing, the result of his inquiries, and we, the said Commissioners, have duly considered the same:

And whereas no objection to the said report has been made to us:

And whereas all preliminaries required by the said Act of 1863 to precede the making of this Provisional Order have been performed and complied with: And whereas we, the said Commissioners, upon consideration of the premises, are satisfied of the propriety of constituting the proposed separate Drainage District, and that the proprietors of two third parts in value of the lands in the proposed district are in favour thereof, and have subsequently to the date of the report of the said inspector assented thereto in writing:

Now, therefore, in pursuance of the power given to us by the said Acts, we, the Commissioners of Public Works in Ireland, do, by this Provisional Order under our common seal, constitute the area in the said petition and report, and the boundaries and extent of which are set forth within yellow lines on the map to which we have caused our common seal to be attached (and which map is deposited in the office of Public Works in Ireland), a separate Drainage District by the name of "The Fourtowns and Jerritzpass Drainage District."

A.D. 1876.

And we, the said Commissioners of Public Works, do, by this our Order, order and direct that the time for the completion of the necessary works in the said district shall be limited to the thirty-first day of December which will be in the year one thousand eight hundred and seventy-seven.

And we do further, by this our Provisional Order, make the following regulations with respect to the Drainage Board:

That the Drainage Board for said district shall consist of five members:

That the following persons shall be the members of the first Drainage Board; viz.,

Arthur Charles Innes, of Dromantine, Newry, in the county of Down, Esquire;

Maxwell Charles Close, of Drumbanagher, Newry, in the county of Armagh, Esquire;

George Brush, of Gill Hall, in the county of Down, Esquire, agent of the trustees of the estate of the late General Meade;

John Brady, of Johnstown, in the county of Monaghan, Esquire, agent to the said Arthur Charles Innes, Esquire;

And Peter Quinn, of the Agency, Newry, in the county of Down, Esquire, agent to the said Maxwell Charles Close, Esquire:

That the first meeting of said Board shall be summoned by notice under the hands of any two or more of the said Board, published in the Dublin Gazette and some newspaper generally circulated in the said District, at least fourteen days next before the day of meeting:

That the qualification of any subsequent member of the said Board shall be that he shall be the proprietor (as defined by the said Act of 1863, and the Acts referred to therein or incorporated therewith) of not less than twenty acres of land situate within the area of the said district, or the land agent for the time being of a person being a proprietor as aforesaid of not less than one hundred acres of land situate within the area of said district, and acting as receiver of the rents and profits of such lands:

That the members of the first Board shall vacate their offices on the first Thursday in September in the year following the date of this Provisional Order:

That the electors for members of the Drainage Board shall be the persons in that behalf mentioned in the said Act of 1863: Provided always, that no such elector shall be entitled to vote or exercise any privilege as such unless the lands of which he is the proprietor, or some portion thereof, shall be rateable on account of the works in the district, and he shall have previously paid all rates or arrears of rates which may be payable by him in respect of any drainage rate for the aforesaid district.

In witness whereof we, the said Commissioners of Public Works in Ireland, have hereunto caused our common seal to be affixed, this twelfth day of June one thousand eight hundred and seventy-five.

Office of Public Works, Dublin.

E. Hornsby,
Secretary.

Seal.

A.D. 1876.

SECOND SCHEDULE.

THE DRAINAGE AND IMPROVEMENT OF LANDS ACT (IRELAND), 1863.

26 & 27 Vict. cap. 88; 27 & 28 Vict. cap. 72; 28 & 29 Vict. cap. 52; and 32 & 33 Vict. cap. 72.

In the Matter of the RATHANGAN RIVER DRAINAGE DISTRICT, in the county of Kildare.

WHEREAS certain proprietors of and persons interested in the lands upon and adjacent to the above-named river on or about the twenty-fifth day of July one thousand eight hundred and seventy-four presented their petition to the Commissioners of Public Works in Ireland, under the provisions of "The Drainage and Improvement of Lands Act (Ireland), 1863," (herein-after called the Act of 1863,) and the Acts amending the same, accompanied by the proper schedules, maps, plans, sections, and estimates, together with other particulars and information required by the said Act, showing, by reference to the said maps, the boundaries and area of the proposed Drainage District, and stating the exigencies rendering the formation of such Drainage District necessary, and praying that said lands within the proposed district should be constituted a separate Drainage District under the provisions of the said Acts: And whereas the said Commissioners referred the same to William Forsyth, Esquire, civil engineer, an inspector duly appointed under the said Acts: And whereas all notices and inquiries required by the said Act have been duly given and made, and the said inspector has duly reported to us, the said Commissioners, in writing, the result of his inquiries, and we, the said Commissioners, have duly considered the same:

And whereas an objection to the said report has been made to us, which we have also duly considered:

And whereas all preliminaries required by the said Act of 1863 to precede the making of this Provisional Order have been performed and complied with: And whereas we, the said Commissioners, upon consideration of the premises are satisfied of the propriety of constituting the proposed separate Drainage District, and that the proprietors of two third parts in value of the lands in the proposed district are in favour thereof, and have subsequently to the date of the report of the said inspector assented thereto in writing:

Now, therefore, in pursuance of the power given to us by the said Acts, we, the Commissioners of Public Works in Ireland, do, by this Provisional Order under our common seal, constitute the area in the said petition and report, and the boundaries and extent of which are set forth within yellow lines on the map to which we have caused our common seal to be attached (and which map is deposited in the office of Public Works in Ireland), a separate Drainage District by the name of "The Rathangan River Drainage District."

And we do declare that the lands to be purchased for the proposed works in said district (subject to such alterations and deviations therefrom as we the said Commissioners may hereafter sanction) are the lands in that behalf shown and set forth in the said map and the schedule thereto annexed, marked with the letter B, and also sealed with our common seal.

And we, the said Commissioners of Public Works, do, by this our Order, order and direct that the time for the completion of the necessary works in the said district shall be limited to the thirty-first day of December which will be in the year one thousand eight hundred and seventy-nine.

And we do further, by this our Provisional Order, make the following regulations with respect to the Drainage Board:

That the Drainage Board for said district shall consist of eight members:

That the following persons shall be the members of the first Drainage Board; viz.,

Colonel Charles Colthurst Vesey, of Lucan House, Lucan, in the county of Dublin;

Charles Robert Hamilton, of Cooldrina, in the county of Dublin, Esquire, agent of the Duke of Leinster;

Henry Robinson, of Cambridge Terrace, Kingstown, in the county of Dublin, Esquire, agent of the Viscount Valentia;

Charles Michael Bury, of Downings, Naas, in the county of Kildare, Esquire, agent of Sir George Gerald Aylmer, Baronet;

Charles William Hamilton, of Hamwood, Clonee, in the county of Meath, Esquire, agent of said Colonel Charles Colthurst Vesey;

Samuel Gardiner Ireland, of Robertstown House, Naas, in the county of Kildare, Esquire;

Robert Mackay Wilson, of Coolcarrigan, Donadea Kilcock, in the county of Kildare, Esquire; and

The Reverend Robert Cooper, of Cooper Hill, Carlow, in the county of Carlow, clerk:

That the first meeting of said Board shall be summoned by notice under the hands of any two or more of the said Board, published in the Dublin Gazette and some newspaper generally circulated in the said district at least fourteen days next before the day of meeting:

That the qualification of any subsequent member of the said Board shall be that he shall be the proprietor (as defined by the said Act of 1863, and the Acts referred to therein or incorporated therewith,) of not less than twenty acres of land situate within the area of the said district, or the land agent for the time being of a person being a proprietor as aforesaid of not less than one hundred acres of land situate within the area of said district, and acting as receiver of the rents and profits of such lands:

That the members of the first Board shall vacate their offices on the first Thursday in September in the year following the date of this Provisional Order:

That the electors for members of the Drainage Board shall be the persons in that behalf mentioned in the said Act of 1863: Provided always, that no such elector shall be entitled to vote or exercise any privilege as such unless the

A.D. 1876.

lands of which he is the proprietor, or some portion thereof, shall be rateable on account of the works in the district, and he shall have previously paid all rates or arrears of rates which may be payable by him in respect of any drainage rate for the aforesaid district.

In witness whereof we, the said Commissioners of Public Works in Ireland, have hereunto caused our common seal to be affixed, this nineteenth day of June one thousand eight hundred and seventy-five.

Office of Public Works, Dublin.

E. HORNSBY,
Secretary.

Seal.

ment of Lands (Ireland) Provisional Orders (No. 2).

A

B I L L

To confirm two Provisional Orders made under "The Drainage and Improvement of Lands (Ireland) Act, 1863," and the Acts amending the same.

(Prepared and brought in by Mr. William Henry Smith and Mr. Solicitor General for Ireland.)

Ordered, by The House of Commons, *to be Printed,* 8 *March* 1876.

[Bill 99.]

Under 1 *oz.*

A

B I L L

TO

Prevent the Administration of Poisonous Drugs to Horses and other Animals. A.D. 1876.

WHEREAS it is expedient to make provision against the practice of administering poisonous drugs to horses and other animals by disqualified persons, and without the knowledge and consent of the owners of such horses and animals:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Penalty on giving poisonous drugs to horses, &c. unlawfully.

1. If any person wilfully and unlawfully administers to or causes to be administered to or taken by any horse, cattle, or domestic animal any poisonous or injurious drug or substance he shall (unless some reasonable cause or excuse is shown on his behalf) be liable, on summary conviction, to a penalty not exceeding *five pounds*, or, at the discretion of the court, to imprisonment, with or without hard labour for any term not exceeding *one month* in the case of a first offence, or *three months* in the case of a second or any subsequent offence.

Saving of persons qualified, &c.

2. Nothing in this Act shall extend to any duly qualified or certified medical or surgical practitioner or veterinary surgeon, or to any person being owner or acting by authority of the owner of the horse, cattle, or other animal to which any drug or substance is administered.

Saving of other laws.

3. Nothing in this Act shall exempt a person from liability to any greater or other punishment under any other Act or law, so that he be not more than once punished for the same offence.

[Bill 85.]

A.D. 1876.

Prosecution.

4. Any offence against this Act may be prosecuted in the manner provided by the Summary Jurisdiction Acts before two justices of the peace.

Extent of Act.

5. This Act shall not extend to Scotland or to Ireland.

Short title.

6. This Act may be cited as the "Drugging of Animals Act, 1876."

Drugging of Animals.

A

B I L L

To prevent the Administration of Poisonous Drugs to Horses and other Animals.

(*Prepared and brought in by Sir John Astley, Mr. Chaplin, and Mr. Rodwell.*)

Ordered, by The House of Commons, *to be Printed,* 23 *February* 1876.

[Bill 85.]

Under 1 *oz.*

A

B I L L

TO

Amend the Law relating to the appointment of Chief Justices of the High Courts in India. A.D. 1876.

WHEREAS it is expedient to amend the provision of an Act passed in the twenty-fourth and twenty-fifth year of the reign of Her present Majesty, chapter one hundred and four, intituled "An Act for establishing High Courts of Judicature in India," by which barristers only can be appointed to the office of Chief Justice of any of the said Courts:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. The words "including the Chief Justice," in the last clause of section two of the said Act, are hereby repealed. Amendment of sect. 2 of said Act.

East India (Chief Justices of High Courts).

A

BILL

To amend the Law relating to the appointment of Chief Justices of the High Courts in India.

(*Prepared and brought in by Sir George Campbell, Sir George Balfour, and Mr. Kinnaird.*)

Ordered, by The House of Commons, *to be Printed,* 8 *March* 1876.

[Bill 98.]

Under 1 *oz.*

A

B I L L

TO

Amend the Law in regard to Ecclesiastical Assessments in Scotland. A.D. 1876.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows; (that is to say,)

Short title. **1.** This Act may be cited as "The Ecclesiastical Assessments (Scotland) Act, 1876."

Definitions. **2.** "Ecclesiastical assessment" shall mean any assessment now competent for the building, rebuilding, repairing, adding to, or altering any church or manse, or for providing or enlarging any glebe:

"Church," "manse," "glebe," "parish," and "lands and heritages" shall have the meanings assigned to them in the Act passed in the thirty-first and thirty-second years of the reign of Her present Majesty, chapter ninety-six:

"Sheriff" shall mean the sheriff of the county within which a parish, or the greater part thereof, is situated, and shall include sheriff substitute:

"Valued rent" shall, in the county and lordship of Zetland, mean and include "number of merks land:"

"The Valuation Acts" shall mean the Act passed in the seventeenth and eighteenth years of the reign of Her present Majesty, chapter ninety-one, and any Acts amending the same:

"Assessor" shall mean the assessor of any county or burgh, and also the assessor of railways and canals, as the case may be, appointed under the Valuation Acts:

"County" and "burgh" shall have the meanings assigned to them in the Valuation Acts:

"Buildings" shall include all houses, works, erections, and constructions of whatever kind, except houses, works, erections, and constructions connected with the occupation of land, as an agricultural or pastoral subject:

A.D. 1876.

"Heritor" shall mean any proprietor of lands and heritages liable in ecclesiastical assessments:

When assessment to be on valued rent.

3. In any case in which, at the passing of this Act, it is legal and competent to impose an ecclesiastical assessment upon the lands and heritages within a parish according to the valued rent thereof, it shall continue to be legal and competent to impose such assessment according to such valued rent.

When assessment to be on yearly value of lands exclusive of buildings thereon.

4. In any case in which, at the passing of this Act, it is legal and competent to impose an ecclesiastical assessment upon the lands and heritages within a parish according to the real rent thereof as appearing from the valuation roll of the county or burgh, as the case may be, such assessment shall, after the *first day of November one thousand eight hundred and seventy-seven*, be imposed according to the yearly value of such lands and heritages, exclusive of the buildings thereon, subject to the following provisions; that is to say,—

Amendment of Valuation Acts.

(1.) In every valuation roll for any county or burgh, or for railways and canals made up after the present year one thousand eight hundred and seventy-six, the assessor, in addition to the particulars which by the Valuation Acts are required to be ascertained by him, shall also ascertain and enter in such roll the yearly value, exclusive of the buildings thereon, of all lands and heritages within each parish entered in such roll; and in order to the ascertainment of such value, it shall be lawful for the assessor to call upon any proprietor for any written or other evidence of such value; and such proprietor shall be bound to furnish and deliver such evidence to the assessor under the same penalty in case of failure or false statement as is provided in similar cases by the Valuation Acts; and it shall also be lawful for the assessor to exercise all the powers which under the said Acts he may lawfully exercise in virtue thereof:

(2.) In entering in any valuation roll the yearly value of lands and heritages, exclusive of the buildings thereon, the assessor shall enter the sum which he estimates would be, as nearly as may be, the yearly value of such lands and heritages, exclusive as aforesaid, if they were to be acquired at the date of making up such roll for the purposes for which they are then being applied:

(3.) The provisions of the Valuation Acts with reference to appeals shall apply to the entries in such rolls for the first time made therein in terms of this Act:

A.D. 1876.

(4.) The valuation rolls of counties and burghs shall, after the present year one thousand eight hundred and seventy-six, be annually made up in the form of Schedule (A.) hereunto annexed in place of the form prescribed by the Valuation Acts; provided that it shall be competent to the Commissioners of Supply in any county or the magistrates of any burgh, with the sanction of the Lord Clerk Register or his deputy, to make, as regards such county or burgh respectively, such alteration in the form of the schedule as shall be found necessary or convenient:

Certain lands exempted.

(5.) No ecclesiastical assessment shall be imposed upon any lands or heritages occupied solely as the church or burying ground attached of any religious body in Scotland, or as the dwelling house, with garden or glebe land attached, of the minister of such church:

(6.) No ecclesiastical assessment shall be imposed upon lands or heritages the yearly value of which, exclusive of the buildings thereon, as appearing on the valuation roll of the county or burgh, as the case may be, is less than *four* pounds, unless the proprietor of such lands and heritages is also proprietor of other lands and heritages within the parish, the yearly value of which, exclusive of the buildings thereon, appearing as aforesaid, if added to the yearly value of the lands and heritages first mentioned, exclusive of the buildings thereon, is sufficient to make up a total valuation of not less than *four* pounds.

Sheriff to determine question as to mode of assessment.

5. If any question shall arise as to whether it is legal and competent to impose an ecclesiastical assessment according to the valued rent of the lands and heritages within any parish, or according to the yearly value of such lands and heritages, exclusive of the buildings thereon, it shall be lawful for any proprietor of such lands and heritages to appeal to the sheriff within twenty days after the date of the meeting at which it was resolved to impose such assessment according to the valued rent or such yearly value as the case may be. After such period of twenty days such resolution shall be final, and not subject to be reviewed or set aside in any court or by any process whatever. Any appeal taken as aforesaid shall be summarily disposed of by the sheriff after such intimation and other procedure as to him shall seem fit, and his decision shall be final and not subject to review, and the assessment shall be imposed in accordance with such decision, and the expenses shall be in the discretion of the sheriff.

A.D. 1876.

Amendment of 25 & 26 Vict. c. 58.

6. Whereas it is expedient to amend the Act passed in the twenty-fifth and twenty-sixth years of the reign of Her present Majesty, chapter fifty-eight, intituled "An Act to make further provision "with respect to the raising of money for the purpose of erecting "and improving parochial buildings in Scotland:" Be it enacted, that from and after the passing of this Act the following provisions shall have effect:

Repayment of sums borrowed for expenditure on churches and manses may be spread over 20 years.

(1.) The annual assessments authorised to be raised by the said Act may hereafter be extended over any period not exceeding *twenty years;*

(2.) The money borrowed in terms thereof shall be repaid by annual instalments of not less in any one year than *one twentieth* part of the principal sum borrowed, exclusive of the payment of interest thereon;

(3.) The annual assessments shall be recovered from the heritors in possession of the lands and heritages, subject to assessment, at the date when each such annual assessment, or any moiety or part thereof, becomes payable, without any right of relief against their predecessors in such lands and heritages, or their heirs or representatives.

Saving of proceedings begun before Act.

7. Nothing herein contained shall affect any proceedings begun before the commencement of this Act, or any rights or liabilities thence arising, or any agreements which may have been entered into between the magistrates and town council of any burgh and the heritors of any parish in regard to the church and manse of such parish.

SCHEDULE (A.)

No.	Description of Subject.	Proprietor.	Occupier.	Tenant.			Rent payable under such Lease.	Feu Duty or Ground Annual, &c.	Feu Duties to whom payable.	Yearly Rent or Value.	Yearly Value exclusive of Buildings.	Remarks.
				Not under Lease of 19 Years or upwards.	Under Lease of 19 Years and less than 57 Years.	Under Lease of 57 Years or upwards.						

Ecclesiastical Assessments (Scotland).

A

BILL

To amend the Law in regard to Ecclesiastical Assessments in Scotland.

(*Prepared and brought in by The Lord Advocate, Mr. Secretary Cross, and Sir Henry Selwin-Ibbetson.*)

Ordered, by The House of Commons, *to be Printed*, 14 *March* 1876.

[Bill 106.]

Under 1 *oz.*

Ecclesiastical Offices and Fees Bill. [H.L.]

ARRANGEMENT OF CLAUSES.

PART I.

Preliminary.

Clause.

1. Short title.
2. Commencement of Act.
3. Extent of Act.

PART II.

Transfer of Property and Consolidation of certain Ecclesiastical Offices.

4. Transfer of property.
5. Consolidation of certain offices.
6. Transfer of jurisdiction.
7. Saving of rights of archdeacons.

PART III.

Judges and other Officers of the Ecclesiastical Courts.

8. Vicar-general of the province of Canterbury.
9. Vicar-general of the province of York.
10. Registrar of the province of Canterbury.
11. Registrar of the province of York.
12. Chancellor of the diocese.
13. Registrar of the diocese.
14. Bishop's secretary.
15. Registrarship, &c. may be held by more than one person.
16. Continuance of registrar during vacancy of see.
17. Apparitors.
18. Rights and duties of officers.
19. Appointment of deputies.
20. Conditions of appointment of deputies.
21. Declaration of office.
22. Judge's clerk.

Clause.
23. Surrogates.
24. Appointments contrary to Act void.

PART IV.
Payment of Fees.
25. Payment of fees.
26. Ecclesiastical Commissioners to give directions for carrying rules, &c. into effect, &c.
27. Allowance for spoiled stamps.
28. No document to be received or used unless stamped.
29. Penalty for forging stamps.

PART V.
Ecclesiastical Fees Fund.
30. Ecclesiastical Fees Fund.
31. Payments out of fund.
32. Audit of accounts.
33. Statement of fund to be prepared.

PART VI.
Remuneration of the Judges and other Officers of the Ecclesiastical Courts.
34. Salaries of provincial and diocesan officers, &c.
35. Date of payment of salaries.
36. Remuneration of deputies.
37. Remuneration of surrogates.
38. No fees to be received by officers.
39. Payments to archdeacons out of Ecclesiastical Fees Fund.
40. Payment to archdeacons by Ecclesiastical Commissioners. Amendment of 3 & 4 Vict. c. 113. s. 34.

PART VII.
Miscellaneous Provisions.
41. Rules and orders.
42. Provisions as to fees for institutions, &c.

Clause.
43. Council of vicars-general, &c.
44. Churchwardens.
45. Deputies of archdeacons.

PART VIII.

Temporary Provisions.

Offices.

46. Existing officers to perform duties of offices.
47. Provisions pending vacancy in certain offices.
48. When office of registrar is to be deemed vacant.
49. Certain persons may be appointed registrars, &c.
50. Transfer of records.
51. Provisions as to registry buildings.

Remuneration of Officers.

52. Payment to the existing provincial judge.
53. Payments for expenses of courts.
54. Salaries of existing holders of certain offices.
55. Compensation to persons appointed before 13th August 1836.
56. Compensation to officers whose property is transferred.
57. Additional payments to certain officers.
58. Provisions as to certain payments.
59. Advances by the Ecclesiastical Commissioners.
60. Payments to certain temporary officers.
61. Pensions under Probate Act.

PART IX.

Repeal of Acts.

62. Repeal of Acts.
SCHEDULES.

A

B I L L

INTITULED

An Act to reform certain Ecclesiastical Offices, and to regulate Ecclesiastical Fees. A.D. 1876.

WHEREAS by an Act of the sixth and seventh year of King William the Fourth, chapter seventy-seven, it was recited that it might be expedient to consider the state and jurisdiction of all the ecclesiastical courts in England and Wales; and it was provided that in case the office of judge, registrar, or other officer of any or either of the ecclesiastical courts in England or Wales, except the Prerogative Court of Canterbury, should become vacant during one year after the passing of such Act, or if Parliament should be then sitting, till the end of the session of Parliament, the person thereunto appointed should accept and take such office, subject to all regulations and alterations affecting the same which might thereafter be made and provided by or under the authority of Parliament; and it was further provided that no person by his appointment to any such office should acquire any vested interest in such office, or any claim or title to compensation in respect thereof in case the same should be thereafter abolished by Parliament: 6 & 7 W. 4. c. 77. ss. 20, 25.

And whereas the above-recited provisions were by subsequent Acts continued in force until the thirty-first day of December one thousand eight hundred and forty-seven:

And whereas by an Act of the seventh and eighth year of the reign of Her Majesty, chapter sixty-eight, it is provided that the registrar of every court exercising ecclesiastical jurisdiction, and the registrar of every vicar-general or diocese, shall, on or before the twentieth day of January in every year, transmit to one of Her Majesty's Principal Secretaries of State a true account in writing of the gross and net amounts of all such fees, allowances, gratuities, perquisites, and emoluments respectively as shall have been received or become due in the year ending the fifth day of January in such year, on account of the judge of such court or vicar-general or on 7 & 8 Vict. c. 68. s. 2.

A.D. 1876.

account of such registrar or (except of surrogates) of any other officer, clerk, or minister of such court, or registry by virtue of his office or employment:

10 & 11 Vict. c. 98. s. 9.

And whereas by an Act of the tenth and eleventh year of the reign of Her Majesty, chapter ninety-eight, it is provided that every person appointed after the passing of the above-recited Act of the sixth and seventh year of King William the Fourth, chapter seventy-seven, except as is in the said above recited Act of the sixth and seventh year of King William the Fourth excepted, or who should be appointed after the passing of the said Act of the tenth and eleventh year of the reign of Her Majesty, to the office of judge, registrar, or other officer of any ecclesiastical court in England, shall hold the same subject to all regulations and alterations affecting the same which might thereafter be made by authority of Parliament, and it is further provided that no person by his appointment to any such office shall acquire any claim or title to compensation in case the same should be thereafter altered or abolished by Act of Parliament:

20 & 21 Vict. c. 77. ss. 3, 103.

And whereas the Prerogative Court of Canterbury and the offices attached thereto were abolished by "The Court of Probate Act, 1857," and the holders of such offices were compensated in the manner provided in the said Act:

38 & 39 Vict. c. 76. ss. 2, 3, 4.

And whereas the above-recited provisions of the said Act of the seventh and eighth year of the reign of Her Majesty, chapter sixty-eight, and of the said Act of the tenth and eleventh year of the reign of Her Majesty, chapter ninety-eight, were extended by "The Ecclesiastical Fees Act, 1875," in the manner provided in sections two, three, and four of the said last-mentioned Act:

And whereas it is expedient to consolidate certain ecclesiastical offices, and to subject the offices so consolidated to certain regulations and alterations, and to regulate ecclesiastical fees:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by and with the authority of the same, as follows:

Part I.

Preliminary.

Short title.

1. This Act may be cited for all purposes as "The Ecclesiastical Offices and Fees Act, 1876."

Commencement of Act.

2. This Act shall, except where expressly herein-after provided, commence and come into operation on the first day of July one

thousand eight hundred and seventy-seven, which day is in this Act herein-after referred to as the commencement of this Act. A.D. 1876.

3. This Act shall extend only to that part of the United Kingdom called England. Extent of Act.

Part II.

Transfer of Property and Consolidation of certain Ecclesiastical Offices.

4. From and after the passing of this Act all property, real and personal, at the date of such passing belonging to any person as holding any of the following offices: Transfer of property.

The offices mentioned in the first column of Schedule (A.) to this Act;

The offices mentioned in the second column of Schedule (A.) to this Act;

shall vest in the Ecclesiastical Commissioners for England, subject to all tenancies, charges, incumbrances, rights, or liabilities affecting the same; and such property shall be held or disposed of by the said Commissioners in the manner prescribed by the rules and orders.

The proceeds of the sale of any property disposed of under this section shall, after deducting the expenses of such sale, be invested or otherwise applied by the said Commissioners in the manner prescribed by the rules and orders, and may be invested in the purchase of land, and the said Commissioners may hold such land without any license in mortmain.

The provisions of this section shall not extend to any premises so long as they shall be used for the transaction of the business of any of such offices.

5. From and after the passing of this Act no person shall be appointed separately to any of the offices mentioned in the first column of Schedule (A.) to this Act. Consolidation of certain offices.

Every such office, on the passing of this Act, if such office be then vacant, or if such office be not then vacant, then on the first avoidance thereof after the passing of this Act, shall be consolidated with the office which is in the second column of the said Schedule set opposite to such first-mentioned office.

Nothing contained in this section shall be construed to restrain any archbishop or bishop from appointing a commissary for any purpose mentioned in the instrument of appointment, in the

A.D. 1876.

exercise of any power which would have been possessed by such archbishop or bishop if this Act had not passed. Such appointment of a commissary may be made for a period not exceeding one year, and may be renewed in favour of the person theretofore holding such appointment or of any other duly qualified person.

Transfer of jurisdiction.

6. On the consolidation of any of the offices mentioned in the first column of Schedule (A.) to this Act any jurisdiction which was vested in or could be exercised by the person last holding such office before the consolidation thereof shall thenceforward be vested in and exercised by the holder of the office with which such first-mentioned office is consolidated under this Act.

In any diocese in which the chancellor of such diocese has by the terms of his appointment or by custom discharged any duties usually discharged by archdeacons, the archdeacons of the archdeaconries within such diocese shall from and after the first avoidance after the passing of this Act in such office of chancellor discharge within their respective archdeaconries all the duties usually discharged by archdeacons, so far as the same be not altered by this Act or by the rules and orders.

Saving of rights of archdeacons.

7. Nothing contained in this Act shall be construed to prevent any archdeacon from holding his usual and accustomed visitation courts and visitations, whether general or parochial, or from giving all lawful directions at or in relation to such visitation courts and visitations, or from presiding at any court or synod for the election of a proctor in convocation, or from exercising any authority in his archdeaconry which he might at the passing of this Act exercise personally; and nothing contained in this Act shall be construed to prevent any archdeacon from exercising the power of suspending and depriving church clerks, chapel clerks, and parish clerks given to archdeacons by an Act of the seventh and eighth year of the reign of Her Majesty, chapter fifty-nine, section five.

Part III.

Judges and other Officers of the Ecclesiastical Courts.

Vicar-general of the province of Canterbury.

8. From and after the passing of this Act no person shall be appointed to the office of vicar-general and official principal of the Archbishop and province of Canterbury who is not or has not been a barrister-at-law of not less than ten years standing, and who is not learned in the ecclesiastical law.

Vicar-general of the province of York.

9. From and after the passing of this Act no person shall be appointed to the office of vicar-general of the Archbishop and

province of York who is not or has not been a barrister-at-law of not less than ten years standing, and who is not learned in the ecclesiastical law. A.D. 1876.

Registrar of the province of Canterbury.

10. From and after the passing of this Act, the Archbishop of Canterbury shall, on any vacancy in the office of registrar of the province of Canterbury, appoint by a writing under his hand and archiepiscopal seal a barrister-at-law or a solicitor to be, during the pleasure of the said archbishop, the registrar of the said province.

Registrar of the province of York.

11. From and after the passing of this Act, the Archbishop of York shall, on any vacancy in the office of registrar of the province of York, appoint by a writing under his hand and archiepiscopal seal a barrister-at-law or a solicitor to be, during the pleasure of the said archbishop, the registrar of the said province.

Chancellor of the diocese.

12. From and after the passing of this Act no person shall be appointed to the office of chancellor of a diocese, by whatever name the holder of such office may be styled in the instrument of his appointment, who is not learned in the ecclesiastical law. Every person appointed after the passing of this Act to the office of chancellor of a diocese shall, by virtue of such appointment, become vicar-general of the bishop of such diocese and official principal or judge of the Consistorial Court of such diocese, and the said offices of vicar-general and official principal shall thenceforward be united to the office of chancellor of such diocese.

Registrar of the diocese.

13. From and after the passing of this Act the bishop of every diocese shall, on any vacancy in the office of registrar of his diocese, appoint by a writing under his hand and episcopal seal a barrister-at-law or a solicitor to be, during the pleasure of the said bishop, registrar of such diocese.

Bishop's secretary.

14. From and after the passing of this Act the registrar of every province or diocese shall perform the duties of the secretary of the archbishop or bishop of such province or diocese respectively, unless such archbishop or bishop shall think fit to appoint by a writing under his hand a barrister-at-law or a solicitor to be, during the pleasure of the said archbishop or bishop, the secretary of such archbishop or bishop.

In such case the duties which would have been performed by the registrar of the province or diocese of such archbishop or bishop if no such appointment to the office of secretary had been made, shall be apportioned between such registrar and secretary in such manner as the said archbishop or bishop shall by a writing under his hand from time to time appoint.

A.D. 1876.

Registrarship, &c. may be held by more than one person.

15. Every archbishop or bishop, when appointing to the office of registrar of a province or diocese, or to the office of secretary of such archbishop or bishop, may, if he think fit, appoint to such office more than one person, being duly qualified as aforesaid, and in such case the duties to be performed by such registrar and secretary respectively shall be apportioned between such persons in such manner as the archbishop or bishop appointing thereto shall, in the instrument of appointment, direct.

Continuance of registrar during vacancy of see.

16. The registrar of a province or diocese shall, on any vacancy in the office of archbishop or bishop of such province or diocese, continue to hold office until the confirmation of the election of the successor of such archbishop or bishop, or until any nomination or presentment shall be made by Her Majesty in lieu of such election.

Apparitors.

17. From and after the passing of this Act every archbishop and bishop shall, on any vacancy in the office of apparitor of the province or diocese of such archbishop or bishop, appoint by a writing under his hand a fit person to be, during the pleasure of such archbishop or bishop, the apparitor of such province or diocese.

Nothing contained in this section shall be construed to permit the appointment of more than one apparitor of each province or diocese, or to permit the appointment of an apparitor of the dioceses of Canterbury or York, in addition to the apparitors of the provinces of Canterbury and York.

Rights and duties of officers.

18. Every person appointed after the passing of this Act to any of the offices mentioned in the second column of Schedule (A.) to this Act shall enjoy all the rights and privileges enjoyed by the holder of such office or of any office comprehended therein at the passing of this Act, so far as the same be not altered by this Act or by the rules and orders, and every such person so appointed as aforesaid to any of the said offices shall perform all duties required to be performed by the holder of such office at the passing of this Act, so far as the same be not altered by this Act or by the rules and orders, and shall also perform such additional duties as may be prescribed by this Act or by the rules and orders in consequence of the consolidation of offices or otherwise.

Appointment of deputies.

19. A person duly qualified to be appointed to the offices of official principal of the Arches Court of Canterbury, official principal or auditor of the Chancery Court of York, and master of the faculties to the Archbishop of Canterbury (the holder of which offices is in this Act called the provincial judge), may be appointed by the Archbishops of Canterbury and York to be the

deputy of such judge, subject to the approval of Her Majesty to be signified under Her Sign Manual; a person duly qualified to be appointed to the office of vicar-general of a province, chancellor of a diocese, or registrar or apparitor of a province or diocese, or secretary of an archbishop or bishop, may be appointed to be the deputy of any such vicar-general, chancellor, registrar, apparitor, or secretary respectively by the archbishop or bishop who would have the right of appointing to such office, in case the same were vacant.

Conditions of appointment of deputies.

20. No deputy shall be appointed under the last preceding section to any officer appointed after the passing of this Act unless such officer is unable, from illness or other unavoidable cause, to discharge his duties, and unless the period for which such appointment is made and the reasons for such appointment are stated in the instrument of appointment. The acts of such deputy shall be considered to all intents and purposes the acts of the officer to whom he is appointed deputy.

Declaration of office.

21. Every person appointed, after the passing of this Act, to the office of provincial judge, vicar-general of a province, chancellor of a diocese, or registrar of a province or diocese, or to be the deputy of such judge, vicar-general, chancellor, or registrar, shall, before entering upon his office, sign the declaration contained in Schedule (B.) to this Act, in lieu of any declaration which such person might have been required to make before entering upon his office, if this Act had not passed.

Judge's clerk.

22. The provincial judge may, after the passing of this Act, appoint a clerk to hold office during the pleasure of the said judge.

Surrogates.

23. No surrogate shall be appointed after the passing of this Act, except by the master of the faculties to the Archbishop of Canterbury, and by the vicar-general and official principal of the Archbishop and province of Canterbury, and by the vicar-general of the Archbishop and province of York, and by the chancellor of a diocese, or by any of such persons.

Any surrogate appointed after the passing of this Act shall continue to hold office notwithstanding the death, resignation, or removal from office of the person from whom he holds his appointment, until a new appointment shall be made by the person having authority to make the same.

Any surrogate, whether appointed before or after the passing of this Act, shall perform such formal acts on behalf and at the request of the person by whom he was appointed, or of the successor of such person, as may be prescribed by the rules and orders.

A.D. 1876.

Appointments contrary to Act void.

24. From and after the passing of this Act all appointments made contrary to the provisions of this Act shall be to all intents and purposes void.

PART IV.

Payment of Fees.

Payment of fees.

25. From and after the commencement of this Act all fees payable under the rules and orders shall, unless otherwise directed by the rules and orders, be taken by means of stamps under such regulations as may be prescribed by the rules and orders, and if not taken by stamps, shall be taken, accounted for, and paid over in such manner as may be directed by the rules and orders.

Ecclesiastical Commissioners to give directions for carrying rules, &c. into effect, &c.

26. The Ecclesiastical Commissioners for England, upon the receipt of any rules and orders settling the fees to be paid under this Act, or prescribing the regulations under which stamps are to be used, shall give directions for carrying such rules and orders into effect, and shall provide everything that is requisite for that purpose, with the consent of the Commissioners of Inland Revenue, so far as relates to the pattern, colour, and form of stamps and dies, and the making and impressing the same.

Allowance for spoiled stamps.

27. The Ecclesiastical Commissioners for England may, from time to time, make such regulations as they shall think fit for the allowance of such stamps issued under this Act as may have been inadvertently spoiled, or for which the owner may have no immediate use, or which through mistake or inadvertence may have been improperly or unnecessarily used; and such allowance shall be made, either by giving other stamps in lieu of the stamps so allowed, or by repaying the money paid for such stamps to the owner or holder thereof.

No document to be received or used unless stamped.

28. No document which by the rules and orders shall be required to be stamped shall be received, filed, used, or admitted in evidence, unless and until it is properly stamped within the time prescribed by the rules and orders regulating the use of stamps; but if any such document is through mistake or inadvertence received, filed, used, or admitted in evidence, without being properly stamped, the judge of the court, in which court, or in the registry of which court such document has been received, filed, used, or admitted in evidence, may, if he shall think fit, order that such document shall be stamped as in such order may be directed;

and, on such document being stamped accordingly, the same and every proceeding in reference thereto shall be valid as if such document had been properly stamped in the first instance.

Penalty for forging stamps.

29. Any person who forges or counterfeits any stamp issued under this Act, or who uses any forged or counterfeit stamp, knowing the same to be forged or counterfeit, or who uses any stamp issued under this Act knowing the same to have been previously cancelled or used, shall be guilty of forgery, and shall be liable, on conviction, to penal servitude for a term not exceeding seven years, or to imprisonment with or without hard labour for a term not exceeding two years.

Part V.

Ecclesiastical Fees Fund.

Ecclesiastical Fees Fund.

30. All moneys received by the Ecclesiastical Commissioners for England under this Act shall be placed by them to the credit of a fund to be called the Ecclesiastical Fees Fund.

Payments out of fund.

31. The Ecclesiastical Commissioners for England shall pay out of the Ecclesiastical Fees Fund such sums for the expenses incurred by the said Commissioners in carrying into effect the provisions of this Act as may from year to year be prescribed by the rules and orders.

The said Commissioners shall also pay out of the Ecclesiastical Fees Fund all salaries and payments directed to be paid to any person under this Act, except where otherwise expressly provided.

The balance (if any) standing to the credit of the Ecclesiastical Fees Fund at the end of any year shall be carried forward to the credit of the said fund in the year following.

Audit of accounts.

32. The accounts of the receipts and disbursements of the persons directed to take fees under this Act shall be audited by an auditor appointed by the Ecclesiastical Commissioners for England.

Statement of fund to be prepared.

33. The Ecclesiastical Commissioners for England shall prepare a statement of the receipts and disbursements of the Ecclesiastical Fees Fund up to the first day of January in every year, which statement shall be audited by the auditor of the accounts of the said Commissioners, and shall be laid before each House of Parliament on or before the thirty-first day of March following, if Parliament be then sitting, or if not, within ten days after the first meeting of Parliament next after the said thirty-first day of March.

A.D. 1876.

Part VI.

Remuneration of the Judges and other Officers of the Ecclesiastical Courts.

Salaries of provincial and diocesan officers, &c.

34. From and after the commencement of this Act there shall be paid to the persons appointed after the passing of this Act to any of the offices mentioned in Schedule (C.) to this Act salaries not exceeding in amount the sums set opposite to the respective titles of the said offices in the said schedule.

The salaries to be paid to the chancellors of dioceses and to the registrars of dioceses and to the apparitors of dioceses shall not exceed in their aggregate amount the sums set opposite to the respective titles of the said offices in the said schedule: Provided, that in the event of an increase in the number of dioceses Her Majesty may from time to time, by Order in Council, make such addition to the aggregate amounts of the sums named in Schedule (C.) to this Act as may secure adequate remuneration to the offices of such dioceses.

If any archbishop or bishop shall appoint a secretary under this Act, the salary of the registrar of the province or diocese of such archbishop or bishop shall be apportioned between such registrar and secretary in such manner as the archbishop or bishop appointing thereto shall in the instrument of appointment direct.

If more than one person is appointed to the office of registrar of a province or diocese or to the office of secretary of any archbishop or bishop under this Act, the salary of such registrar or secretary shall be apportioned between such persons so appointed in such manner as the archbishop or bishop appointing to such office shall in the instrument of appointment direct.

Date of payment of salaries.

35. All salaries directed to be paid to any person under this Act shall grow due from day to day, but shall, so far as regards any money due up to and including the thirty-first day of December in every year, be paid to the persons entitled thereto, or to their executors or administrators, on or before the thirty-first day of March following, unless the payment of such salaries or any of them at more frequent periods shall be directed by the rules and orders.

Remuneration of deputies.

36. There shall be paid to any person appointed under this Act to be the deputy of any officer appointed after the passing of this Act such sums as may be prescribed in the instrument of appointment; and such payments shall be deducted out of the salary of the officer to whom such person is appointed deputy.

Remuneration of surrogates.

37. It shall be lawful for surrogates to receive for their own use such fees for marriage licenses granted through them as they could have lawfully received if this Act had not passed.

There shall be paid to any surrogate performing any formal act such sums as may be prescribed by the rules and orders, and such payments shall be deducted out of the salary of the person on whose behalf such surrogate performs such act.

No fees to be received by officers.

38. The registrars and other officers appointed after the passing of this Act shall pay out of the salaries or other sums of money received by them under this Act all such expenses and disbursements as may be prescribed by the rules and orders, and shall discharge such duties and prepare such documents as they may be directed to discharge or prepare by the rules and orders, without any fee or other pecuniary remuneration whatsoever, except the salaries or other sums of money to which they are entitled under this Act, and except such a sum (if any) as may be allowed by the rules and orders in respect of the cost of any material on which a stamp is impressed, if such material be supplied by such persons.

Payments to archdeacons out of Ecclesiastical Fees Fund.

39. From and after the commencement of this Act there shall be paid to every archdeacon such an annual sum as the Ecclesiastical Commissioners for England may deem to be an equivalent for such of the fees paid into the Ecclesiastical Fees Fund under this Act as would if this Act had not passed have been paid to such archdeacon.

Payment to archdeacons by Ecclesiastical Commissioners.

Amendment of 3 & 4 Vict. c. 113. s. 34.

40. In every year in which the income received by any archdeacon from any emoluments or endowments in respect of his office, together with the payment (if any) which before the passing of this Act was agreed to be made to such archdeacon or to any predecessor of such archdeacon by the Ecclesiastical Commissioners for England out of their common fund, under the provisions of an Act of the third and fourth year of the reign of Her Majesty, chapter one hundred and thirteen, section thirty-four, shall not amount to the sum of two hundred pounds, the said Commissioners shall from and after the commencement of this Act pay out of their common fund to such archdeacon a sum equal to the difference between the amount of the income received by him as aforesaid and the sum of two hundred pounds.

The payment of any sum to an archdeacon under this section shall be subject to the same conditions as to the residence of such archdeacon as are prescribed by the above-mentioned section of the

A.D. 1876. said Act of the third and fourth year of the reign of Her Majesty, in reference to payments made under the said section.

Part VII.

Miscellaneous Provisions.

Rules and orders.

41. Her Majesty may at any time after the expiration of six months from the passing of this Act, by Order in Council, made upon the recommendation of the Archbishop of Canterbury, the Lord High Chancellor, the Archbishop of York, and such other members of Her Majesty's most Honourable Privy Council as Her Majesty may from time to time under Her Sign Manual appoint, or any three of the said persons, one of them being the Lord High Chancellor, make rules and orders (in this Act called the rules and orders) for carrying this Act into effect, and in particular for all or any of the following matters, so far as the same may not be expressly regulated by this Act; (that is to say,)

(1.) For prescribing the duties to be performed by any registrar or other officer in respect of any office or employment for which he receives a salary or other sum of money under this Act:

(2.) For ensuring the proper custody within any province of the records and other documents and papers placed in the custody of the registrar of such province, and for ensuring the proper custody within any diocese of the records and other documents and papers placed in the custody of the registrar of such diocese:

(3.) For prescribing the number, form, and character of the documents to be prepared or transmitted by the registrars of provinces or dioceses, except articles of inquiry at visitations, and for directing the manner of such transmission:

(4.) For settling the fees to be taken from any person for any matter or thing for which fees or other pecuniary remuneration could at the passing of this Act be taken under any lawful custom or any statute by or on behalf of any of the following persons:

Archdeacons of archdeaconries;

Persons exercising any peculiar ecclesiastical jurisdiction (other than the deans or the deans and chapters of cathedral or collegiate churches);

Persons holding any of the offices mentioned in the first column of Schedule (A.) to this Act;

Persons holding any of the offices mentioned in the second column of Schedule (A.) to this Act:

(5.) For settling the fees to be taken on behalf of the Ecclesiastical Fees Fund from any archbishop or bishop at the confirmation of the election or at the consecration of such archbishop or bishop, and from any person required by this Act to sign the declaration contained in Schedule (B.) to this Act, at the appointment of such person, or from any secretary of any archbishop or bishop, at the appointment of such secretary, or on any of such occasions:

(6.) For prescribing the regulations under which stamps are to be used under this Act, and particularly for prescribing the application thereof to documents from time to time in use or required to be used for the purposes of such stamps, and for insuring the proper cancellation of stamps, and for keeping accounts of such stamps, and for prescribing the manner in which such fees as shall not be taken by stamps shall be taken, accounted for, and paid over:

(7.) For fixing the salary or other sum of money to be paid to any person under this Act, regard being had to the nature and extent of the duties performed by such person, and to the funds available for the remuneration thereof:

And Her Majesty may from time to time, in like manner, alter or amend such rules and orders, without prejudice to anything done or suffered under such rules and orders.

All rules and orders shall be laid before each House of Parliament within forty days after the same are made, if Parliament is then sitting, or if not, within forty days after the then next meeting of Parliament; and if an address is presented to Her Majesty by either of the said Houses within the next subsequent forty days on which the House shall have sat, praying that any such rules and orders may be annulled, Her Majesty may thereupon, by Order in Council, annul the same, and the rules and orders so annulled shall thenceforth become void, without prejudice to anything done or suffered under such rules and orders.

Provisions as to fees for institutions, &c.

42. In settling the fees to be taken for any instrument of donation, presentation, nomination, collation, institution, induction, or licence, or any other instrument, matter, or thing connected with the admission of any spiritual person to any cathedral preferment or benefice (as defined in an Act of the first and second year of the reign of Her Majesty, chapter one hundred and six), it shall be lawful to fix graduated scales of fees in respect of such cathedral

1 & 2 Vict. c. 106.

A.D. 1876.

preferments or benefices, and the value of such cathedral preferments or benefices shall be estimated in the same manner as the annual value of benefices is directed to be estimated by section ten of the said Act.

Council of vicars-general, &c.

43. A council consisting of the persons herein-after mentioned shall be summoned within three months after the passing of this Act, and thenceforward once at least in every year by the provincial judge at a time and place to be fixed by the said judge.

The council shall consist of the following persons:

The provincial judge.

The vicar-general and official principal of the archbishop and province of Canterbury.

The vicar-general of the archbishop and province of York.

Four chancellors of dioceses within the province of Canterbury, chosen by the chancellors of the dioceses within such province.

Two chancellors of dioceses within the province of York, chosen by the chancellors of the dioceses within such province.

Four archdeacons of archdeaconries within the province of Canterbury, chosen by the archdeacons of the archdeaconries within such province.

Two archdeacons of archdeaconries within the province of York, chosen by the archdeacons of the archdeaconries within such province.

Four registrars of dioceses within the province of Canterbury, chosen by the registrars of the dioceses within such province.

Two registrars of dioceses within the province of York, chosen by the registrars of the dioceses within such province.

Eight proctors in convocation for the clergy of the province of Canterbury, chosen by the proctors in convocation for the clergy of such province.

Four proctors in convocation for the clergy of the province of York, chosen by the proctors in convocation for the clergy of such province.

The registrars of the provinces of Canterbury and York may be chosen in lieu of a registrar of a diocese within such provinces respectively.

The first election of persons to be chosen under this section shall be held within two months after the passing of this Act, in such manner as the Archbishops of Canterbury and York may jointly direct, and the said archbishops shall notify the names of the persons so chosen to the provincial judge.

The persons so chosen shall be members of the council for two years, or until they cease to hold their respective offices, whichever shall first happen, and the successors of such persons shall be appointed for such periods and in such manner as may be prescribed by the rules and orders.

The provincial judge shall (if present) be the chairman of such council; but if such judge shall be absent from any meeting, the members present at such meeting shall elect another member as chairman.

In case of an equality of votes on a question at a meeting, the chairman shall have a second or casting vote in respect of that question.

The duty of the council shall be to make suggestions for the framing of rules and orders under this Act, and to consider the operation of this Act, and the rules and orders for the time being in force.

Copies of the minutes of the proceedings of every meeting of the council shall be transmitted by the chairman of the meeting to the persons appointed under this Act to recommend rules and orders for the approval of Her Majesty, and shall be taken into consideration by such persons.

Churchwardens.

44. From and after the commencement of this Act no churchwarden shall be admitted to office unless he produce a certificate of his appointment, signed by the chairman of the vestry at which such churchwarden was appointed, or by the person in whom such appointment is vested.

From and after the commencement of this Act no fee shall be paid at his admission to office or at any visitation by any churchwarden.

Nothing contained in this section shall be construed to exempt any churchwarden from any duty which may now be imposed upon him to attend visitations and to be admitted to office and to make presentments and answers to articles of inquiry thereat. The expression "churchwarden" in this section shall be construed to include "sidesman."

Deputies of archdeacons.

45. From and after the passing of this Act, it shall be lawful for any archdeacon, if he should think fit, to appoint during pleasure a person to be his deputy in the discharge of any duties of his office which could have been discharged by the official or surrogate of such archdeacon if this Act had not passed, except in so far as such duties may be altered or abolished by this Act. Every person so appointed deputy must be a person who would have been qualified to be appointed the official or surrogate of such arch-

A.D. 1876.

deacon if this Act had not passed. The lawful acts of such deputy shall be considered to all intents and purposes the acts of the archdeacon by whom he is appointed deputy.

Part VIII.

Temporary Provisions.

Offices.

Existing officers to perform duties of offices.

46. Every person holding at the passing of this Act any of the offices mentioned in the first column of Schedule (A.) to this Act, and every person holding at the passing of this Act any of the offices mentioned in the second column of the said Schedule, shall, notwithstanding anything to the contrary contained in this Act, continue to hold such office, subject to the same conditions as to tenure of office and as to the power of appointing a deputy as were attached thereto before the passing of this Act, and shall, in addition to or in substitution for any of the duties now performed by him or by his lawfully appointed deputy in respect of such office, so far as the same be not altered by this Act or by the rules and orders, be liable to perform, by himself or by his lawfully appointed deputy, any other duties which may be prescribed by this Act or by the rules and orders; provided that such duties be analogous to the duties which such person has hitherto performed. Deputy registrars appointed by registrars holding office at the passing of this Act may, in the absence of their principals, vote at the elections for the council of vicars-general and other persons established under this Act, and be elected to serve on the said council.

Provisions pending vacancy in certain offices.

47. On the consolidation of any of the offices mentioned in the first column of Schedule (A.) to this Act, temporary provision for the discharge of any duties theretofore attached to such office may be made until the first vacancy after the passing of this Act in the office with which it may have been directed by this Act that such first-mentioned office should be thereafter consolidated, so far as such duties be not altered by this Act or by the rules and orders; and the archbishop or bishop who would on any vacancy therein appoint to the office with which the said first-mentioned office may be directed to be consolidated as aforesaid shall determine if such temporary provision be expedient, and shall from time to time make the appointments necessary for carrying this section into effect.

When office of registrar is to be deemed vacant.

48. When the office of registrar of any Ecclesiastical Court is at the passing of this Act held in possession or reversion by more than one person, such office shall be deemed to be vacant for the purposes of this Act, on the death, resignation, or removal from office of the survivor of such persons.

Certain persons may be appointed registrars, &c.

49. Any person who has before the first day of January one thousand eight hundred and seventy-six been admitted as a proctor of any ecclesiastical court in England shall be qualified to be appointed to be the registrar or one of the registrars of a province or diocese, or to be the secretary or one of the secretaries of any archbishop or bishop, notwithstanding anything to the contrary contained in this Act.

Any person who has held the office of deputy-registrar of a province or diocese, either solely or in conjunction with one or more person or persons, for the seven years next before the passing of this Act, shall be qualified to be appointed to be the registrar or one of the registrars of such province or diocese, notwithstanding anything to the contrary contained in this Act.

Any person who has held the office of secretary of any archbishop or bishop, either solely or in conjunction with one or more person or persons, for the seven years next before the passing of this Act, shall be qualified to be appointed to be the registrar or one of the registrars of the province or diocese, or to be the secretary or one of the secretaries of such archbishop or bishop, notwithstanding anything to the contrary contained in this Act.

Transfer of records.

50. Within one year after the avoidance of the office of registrar of any commissary, archdeaconry, or peculiar ecclesiastical jurisdiction, the records and other documents and papers preserved in the registry of such commissary, archdeaconry, or peculiar ecclesiastical jurisdiction shall be transferred to the registry of the diocese in which the jurisdiction of such commissary has been exercised, or in which such archdeaconry or peculiar ecclesiastical jurisdiction is locally situate, unless it shall be directed by the rules and orders that the date of such transfer shall be postponed; and the cost of such transfer shall be fixed by the rules and orders, and shall be paid out of the Ecclesiastical Fees Fund.

Until such transfer regulations may be made by the rules and orders for ensuring the proper custody of such records and other documents and papers.

Any records and other documents and papers which relate wholly to a diocese, but which from a change of the boundaries of any diocese or otherwise have remained in the custody of the registrar of a diocese other than that to which they relate, shall on application

A.D. 1876.

in writing by the bishop of the diocese to which they relate, be transferred to the custody of the registrar of such last-mentioned diocese.

Nothing contained in this section shall be construed to extend to the records and other documents or papers in the custody of the dean or of the dean and chapter of any cathedral or collegiate church.

Provisions as to registry buildings.

51. The archbishop or bishop of any province or diocese, and the dean and chapter of any cathedral church within any province or diocese, and the Ecclesiastical Commissioners for England, or any of such persons, may, if they think fit, grant for the purposes of the registry of such province or diocese any portion of the land or buildings vested in them; and such grant may be made free of rent or other charges, or upon such other terms as the said archbishop or bishop, or the said dean and chapter, or the said Commissioners respectively, may determine.

The said Commissioners shall grant from the Ecclesiastical Fees Fund such a sum, not exceeding five hundred pounds for each province or diocese, as may be prescribed by the rules and orders, for providing by purchase, or otherwise, or for fitting up a registry office for such province or diocese.

No grant of money shall be made under this section unless the registry office for which such grant is made be vested in the archbishop or bishop of the province or diocese, or in the dean and chapter of the cathedral church, or in the said Commissioners.

Remuneration of Officers.

Payment to the existing provincial judge.

52. There shall be paid to the provincial judge holding office at the passing of this Act, so long as he shall hold the said office of judge, and at such times as may be fixed by the rules and orders, such sums as shall, with any emoluments received by him under "The Ecclesiastical Fees Act, 1875," or otherwise as such judge, amount to the sum of fifteen hundred pounds per annum, dating from the first day of July one thousand eight hundred and seventy-five.

Payments for expenses of Courts.

53. Until the first appointment of a registrar of the province of Canterbury under this Act, there may be paid to the provincial judge such a sum for the necessary expenses of the Arches Court of Canterbury as may from time to time be prescribed by the persons appointed to recommend rules and orders for the approval of Her Majesty.

Until the first appointment of a registrar of the province of York under this Act, there may be paid to the provincial judge such a

sum for the necessary expenses of the Chancery Court of York as may from time to time be prescribed by the persons appointed to recommend rules and orders for the approval of Her Majesty.

Salaries of existing holders of certain offices.

54. Every person exercising at the passing of this Act any peculiar ecclesiastical jurisdiction other than the dean or the dean and chapter of any cathedral or collegiate church, and every person holding at the passing of this Act any of the offices mentioned in the first column of Schedule (A.) to this Act, and every person holding at the passing of this Act any of the offices mentioned in the second column of the said Schedule, shall, from and after the commencement of this Act, receive annually during his tenure of office, in lieu of all fees or of any other pecuniary remuneration theretofore received by him in respect of such office, such a salary as may be prescribed by the rules and orders.

The amount of such salary, except as herein-after otherwise provided, shall, from time to time, be so fixed as to bear, as nearly as may be, the same proportion to the total annual amount of the Ecclesiastical Fees Fund as the amount of fees or any other pecuniary remuneration annually received before the passing of this Act by the holder of such office for the time being in respect of such office bore to the total amount of the fees and other pecuniary remuneration annually received by all the holders of such offices in respect of such offices, calculated on the average gross receipts of the three years next before the first day of January one thousand eight hundred and seventy-six.

The amount of such average gross receipts shall be determined by the Ecclesiastical Commissioners for England, and the said Commissioners shall be entitled to call for any documents or evidence which they may consider necessary in order to enable them to ascertain the amount of such average gross receipts, and their determination thereon shall be final.

If the holder of any office shall fail to supply such documents or evidence within one month of his being required to supply such documents or evidence, the said Commissioners shall be at liberty to determine the amount of such average gross receipts without reference to such documents or evidence.

In determining the amount of the salary to be paid to any person under this section, regard may be had to any alteration heretofore from time to time caused by episcopal visitations in the relative amount of the fees and other pecuniary remuneration due to the persons holding offices in the diocese in which such first-mentioned person holds office.

A.D. 1876.

If the boundaries of any province, diocese, or archdeaconry shall have been altered after the thirty-first day of December one thousand eight hundred and seventy-five, or shall be altered after the passing of this Act, the amount of the salary to be received under this section by any person whose office is affected by such alteration shall, from time to time, be determined by the rules and orders, regard being had to any increase in or diminution of the duties of such office resulting from such alteration.

Before estimating the total annual amount of the Ecclesiastical Fees Fund for the purposes of this section, there shall be deducted therefrom—

(1.) Any balance brought forward from the preceding year;

(2.) The payments directed by this Act to be made out of the Ecclesiastical Fees Fund to any archdeacon.

Persons receiving salaries under this section shall pay thereout such remuneration as they may think fit to the deputies appointed by them.

Compensation to persons appointed before 13th August 1836.

55. If any person holding any of the offices mentioned in the first column of Schedule (A.) to this Act, or if any person holding any of the offices mentioned in the second column of the said Schedule, shall have been appointed to such office before the passing of the above-recited Act of the sixth and seventh year of King William the Fourth, chapter seventy-seven, there shall be paid to such person, in addition to the salary paid to him under this Act, such an annual sum, to be prescribed by the rules and orders, as may be a just and reasonable compensation to him for any loss of emoluments which he may sustain under this Act.

Compensation to officers whose property is transferred.

56. There shall be paid to any person who has sustained any pecuniary loss in consequence of the vesting of any property in the Ecclesiastical Commissioners for England under this Act, such an annual sum to be prescribed by the rules and orders as may be a just and *reasonable compensation to him for such loss.*

Additional payments to certain officers.

57. There shall be paid to any person holding at the passing of this Act any of the offices mentioned in the first column of Schedule (A.) to this Act, and to any person holding at the passing of this Act any of the offices mentioned in the second column of the said Schedule, in addition to the salary paid to him under this Act, such an annual sum to be prescribed by the rules and orders as may appear a just and reasonable remuneration for any additional duties performed by such person under this Act.

Provisions as to certain payments.

58. Nothing contained in this Act shall be construed to prohibit any persons from receiving any sums under this Act as com-

pensation for loss of emoluments or as remuneration for the performance of additional duties.

Advances by the Ecclesiastical Commissioners.

59. The Ecclesiastical Commissioners for England shall, from time to time, advance from their common fund to the Ecclesiastical Fees Fund such sums as may be necessary to provide for the payment of such sums as may from year to year be prescribed by the rules and orders for the expenses incurred by the said Commissioners in carrying into effect the provisions of this Act, and for the payment of any of the sums directed to be paid under this Act to the provincial judge and to the clerk of such judge and to any person as compensation for loss of emoluments or as remuneration for the performance of additional duties and for the necessary expenses of the Arches Court of Canterbury and the Chancery Court of York, or for any such payments.

Such sums so advanced shall be repaid from the Ecclesiastical Fees Fund to the common fund of the said Commissioners, together with interest at the rate of four pounds per centum per annum.

The total amount of the sums advanced under this section shall not exceed the sum of ten thousand pounds.

Payments to certain temporary officers.

60. Persons appointed under this Act to discharge the duties of any office until the first vacancy after the passing of this Act in the office with which such first-mentioned office is consolidated shall receive such remuneration as may be prescribed by the rules and orders.

Pensions under Probate Act.

61. If any person exercising at the passing of this Act any peculiar ecclesiastical jurisdiction (other than the dean or the dean and chapter of any cathedral or collegiate church), or if any person holding at the passing of this Act any of the offices mentioned in the first column of Schedule (A.) to this Act, or if any person holding at the passing of this Act any of the offices mentioned in the second column of the said Schedule, shall resign such office, he shall not be thereby disqualified from continuing to receive any yearly sum which may have been awarded to him as compensation under the Court of Probate Act, 1857.

Part IX.

Repeal of Acts.

Repeal of Acts.

62. From and after the commencement of this Act there shall be repealed—

(1.) The Acts specified in Schedule (D.) to this Act to the extent in the third column of that schedule mentioned:

A.D. 1876.

(2.) Any other enactment, whether contained in any of the said Acts or otherwise, which may be inconsistent with this Act.

This repeal shall not revive any enactment, right, office, privilege, matter, or thing not in force or existing at the commencement of this Act, and such repeal shall be without prejudice to anything done or suffered before the said commencement under any of the enactments hereby repealed.

Notwithstanding the repeal of any enactment under this section, any fee which shall have been ordained by, or in the exercise of any power given by, such enactment, or which shall have been taken before the commencement of this Act under any lawful custom or under any statute, for any matter or thing for which fees can be settled under this Act, shall, unless otherwise directed by this Act, continue to be payable until otherwise directed by the rules and orders, and every such fee shall be paid in the same manner as is herein-before prescribed in reference to fees payable under the rules and orders.

The SCHEDULES to the foregoing Act.

SCHEDULE (A.)

Offices to be consolidated.

First Column. Offices to be consolidated with the Offices mentioned in the second column.	Second Column. Offices with which the Offices mentioned in the first column are to be consolidated.
Commissary-General of the City and Diocese of Canterbury.	Vicar-General and Official Principal of the Archbishop and Province of Canterbury.
Official Principal of the Consistory Court of the Diocese of York.	Vicar-General of the Archbishop and Province of York.
Registrar of the Arches Court of Canterbury.	
Registrar of the Office of Faculties to the Archbishop of Canterbury.	
Registrar of the Consistory Court and Diocese of Canterbury.	
Officials of the Archdeacons and Archdeaconries within the Diocese of Canterbury, when the duties of such officials are not performed by such Archdeacons.	
Registrars of the Archdeacons and Archdeaconries within the Diocese of Canterbury.	Registrar of the Province of Canterbury. Secretary of the Archbishop of Canterbury (if any).
Officials and registrars of the Commissary and peculiar Ecclesiastical Courts (if any) within the Diocese of Canterbury.	
Record Keeper, Sealer, and Seal Keeper of the Archbishop or Province or Diocese of Canterbury or of any Ecclesiastical Court within such province or diocese.	

First Column. Offices to be consolidated with the Offices mentioned in the second column.	Second Column. Offices with which the Offices mentioned in the first column are to be consolidated.
Apparitor of the Arches Court of Canterbury, and of any other Ecclesiastical Court or Officer within the Diocese of Canterbury.	Apparitor of the Province of Canterbury.
Registrar of the Consistory Court and Diocese of York.	
Officials of the Archdeacons and Archdeaconries within the Province of York, when the duties of such officials are not performed by such Archdeacons.	
Registrars of the Archdeacons and Archdeaconries within the Diocese of York.	Registrar of the Province of York.
Officials and Registrars of the Commissary and peculiar Ecclesiastical Courts (if any) within the Diocese of York.	Secretary of the Archbishop of York (if any).
Record Keeper, Sealer, and Seal Keeper of the Archbishop or Province or Diocese of York and of any Ecclesiastical Court within such province or diocese.	
Apparitor of the Consistory Court of the Diocese of York and of any other Ecclesiastical Court or Officer within the diocese of York.	Apparitor of the Province of York.
Commissary of any Bishop.	Chancellor of the Diocese.
Officials of the Archdeacons and Archdeaconries within any Diocese other than those of Canterbury and York, when the duties of such officials are not performed by such Archdeacons.	Registrar of the Diocese.
Registrars of the Archdeacons and Archdeaconries within any Diocese other than those of Canterbury and York.	Bishop's Secretary (if any).

First Column. Offices to be consolidated with the Offices mentioned in the second column.	Second Column. Offices with which the Offices mentioned in the first column are to be consolidated.
Officials and Registrars of the Commissary and peculiar Ecclesiastical Courts (if any) within any Diocese other than those of Canterbury and York.	Registrar of the Diocese. Bishop's Secretary (if any).
Record Keeper, Sealer, and Seal Keeper of any Bishop, Court, or Diocese other than those of Canterbury and York.	
Apparitor of any Bishop, and of any other ecclesiastical officer or court within any Diocese.	Apparitor of the Diocese.
The cryer of court, and clerk of county of the diocese of Lichfield.	

SCHEDULE (B.)

Declaration of Office.

I, *A.B.*, appointed to the office of , do hereby solemnly declare that I am a member of the Church of England as by law established, and that I will discharge the duties of the said office to the uttermost of my understanding, without respect of favour or reward.

Dated this day of 18 .

SCHEDULE (C.)

Maximum Salaries payable to Officers appointed after the passing of this Act.

		£
Provincial Judge		2,000
Clerk of the Provincial Judge		200
Vicar-General and Official Principal of the Archbishop and Province of Canterbury		600
Registrar of the Province of Canterbury Secretary of the Archbishop of Canterbury (if any)	together	1,500
Apparitor of the Province of Canterbury		30
Vicar-General of the Archbishop and Province of York		400
Registrar of the Province of York Secretary of the Archbishop of York (if any)	together	1,000
Apparitor of the Province of York		25
Chancellor of the Diocese of London		400
Registrar of the Diocese of London Secretary of the Bishop of London (if any)	together	1,250
Chancellors of Dioceses, except those of Canterbury, York, and London	in all	5,000
Registrars of Dioceses Bishops' Secretaries (if any)	except those of Canterbury, York, and London; in all	20,000
Apparitors of Dioceses, except those of Canterbury, and York	in all	500

SCHEDULE (D.)

Acts repealed.

Session and Chapter.	Title.	Extent of Repeal.
10 Geo. 4. c. 53. -	An Act to regulate the duties, salaries, and emoluments of the Officers, Clerks, and Ministers of certain Ecclesiastical Courts in England.	The whole Act.
1 & 2 Vict. c. 106. -	An Act to abridge the holding of Benefices in Plurality, and to make better provision for the residence of the Clergy.	Section 131.
30 & 31 Vict. c. 133.	An Act relating to the Consecration of Churchyards.	Section 3.
30 & 31 Vict. c. 135.	An Act for the establishment of a Table of Fees to be taken on the consecration of Churches, Chapels, and Burial Grounds, on the ordination of Deacons and Priests, and on Visitations.	The whole Act.
34 & 35 Vict. c. 43.	An Act for the amendment of the law relating to Ecclesiastical Dilapidations.	So much of section 10 as relates to the fees of the bishop's secretary and the registrar.
34 & 35 Vict. c. 44.	An Act to enable Clergymen permanently incapacitated by illness to resign their benefices with provision of pensions.	Section 17.
37 & 38 Vict. c. 85.	An Act for the better administration of the laws respecting the regulation of Public Worship.	So much of section 19 as relates to fees.

Ecclesiastical Offices and Fees. [H.L.]

A

B I L L

INTITULED

An Act to reform certain Ecclesiastical Offices, and to regulate Ecclesiastical Fees.

(*Brought from the Lords* 23 *June* 1876.)

Ordered, by The House of Commons, *to be Printed*, 4 *July* 1876.

[Bill 232.]

Under 4 *oz.*

A

B I L L

TO

Amend the Law relating to the Election of Aldermen in Municipal Boroughs by the application thereto of the Cumulative Vote. A.D. 1876.

WHEREAS it is expedient to amend the fifth and sixth William Fourth, chapter seventy-six, relating to the mode of electing aldermen in municipal boroughs regulated by the said Act, so as to give a more perfect representation of town councils on the aldermanic bench:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Cumulative voting.

1. That at any election for any aldermen any person entitled to vote at such election shall be entitled to a number of votes equal to the number of aldermen to be elected, and may give all such votes to one person, or distribute them as he thinks fit: Provided always, that the provisions of this Act shall not apply to the City of London.

Election of Aldermen (Cumulative Vote).

A

BILL

To amend the Law relating to the Election of Aldermen in Municipal Boroughs by the application thereto of the Cumulative Vote.

(*Prepared and brought in by Mr. Heygate, Mr. Russell Gurney, Mr. Fawcett, Mr. Wheelhouse, and Mr. Morley.*)

Ordered, by The House of Commons, *to be Printed,* 9 *February* 1876.

[Bill 46.]

Under 1 *oz.*

Electoral County Boards (Ireland) Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. An elective board substituted for grand jury.
2. Board to consist of twenty-four members.
3. County to be divided into board districts.
4. Determination of number of members to be allotted to each district.
5. Qualification of board members.
6. Qualification of voter.
7. Date of election.
8. Notice of election.
9. Mode of nomination.
10. Returning officer to decide on validity of nomination paper.
11. Candidate may resign.
12. If more candidates than local members to be returned, poll to be adjourned.
13. Voting to be by ballot.
14. Ballot-boxes may be forwarded by post.
15. Votes to be counted as provided by Ballot Act.
16. Returning officer to return board members.
17. County board a body politic.
18. Meetings of county board.
19. Acts of board valid when not complete.
20. Officers of grand jury transferred to county board.
21. Constabulary to post notices.
22. Corrupt Practices Municipal Act, 1872, incorporated with Act.
23. Ballot Act, 1872, incorporated with Act.
24. Ballot papers to be dealt with as in Ballot Act.
25. Barony constable to assist.
26. Dates to be altered.
27. Elections not to be held on Sunday.
28. Returning officer entitled to expenses.

Clause.
29. County board to present for expenses.
30. No paid agents.
31. Sheriff returning officer.
32. Sections of Commissioners Clauses Act incorporated.
33. Lord Lieutenant to make orders.
34. Orders to be laid before Parliament.
35. Meaning of terms.
36. Title of Act.
37. Act may be amended.
38. Extent of Act.

SCHEDULES.

A

B I L L

FOR

The establishment of Electoral County Boards in Ireland. A.D. 1876.

WHEREAS it is expedient that the control of the money raised for local purposes in the different counties of Ireland by the county cess and similar rates should be under the supervision and direction of persons elected by those who pay such rates:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows; that is to say,

An elective board substituted for grand jury.

1. A board shall be established in each county in Ireland to be called the county board of such county, and from and after the establishment of such county board all powers and duties vested in or imposed on the grand jury of such county by the several Acts of Parliament mentioned in the first schedule annexed hereto shall be transferred to and imposed on the said county board, and shall cease to be exercised or performed by such grand jury, and except as otherwise provided by this Act, shall be exercised and performed by such county board in like manner and form and subject to the same conditions, liabilities, and incidents respectively as such powers and duties might before the passing of this Act have been exercised and performed by such grand jury or by the authorities in whom the same were then vested respectively, or as near thereto as circumstances admit.

Board to consist of twenty-four members.

2. The county board shall consist of twenty-four board members, to be elected as afterwards provided.

Eight of the so elected twenty-four board members shall retire each year, but shall be capable of re-election.

County to be divided into board districts.

3. The Lord Lieutenant by and with the advice of the Privy Council in Ireland shall before the *first of October one thousand eight hundred and seventy-five* divide each county in Ireland into board districts for the election of board members, and may after such

A.D. 1876.

division alter same at the recommendation of the county board for such county. In making such division or alterations the Lord Lieutenant shall make each board district to consist of one or more polling districts, as constituted by the Ballot Act, 1872. The number of board districts shall not in any county exceed eight.

Determination of number of members to be allotted to each district.

4. The Lord Lieutenant, by and with the advice of the privy council in Ireland, shall before the *first of October one thousand eight hundred and seventy-five* determine and may from time to time alter, at the recommendation of the county board, the number of board members to be elected from each board district. Such number being, however, either not less than three or more than six. In making such allotments the Lord Lieutenant shall as far as possible allot to each board district board members in the same proportion to the twenty-four to be returned for the county which the number of voters in such board district bears to the whole number of voters in the county in which such district is situated.

Qualification of board members.

5. Every person shall be capable of being elected a board member for any county board who shall be at the time of such election a registered voter for candidates for parliamentary elections for the county for which such board is constituted, or who shall be a peer owning or occupying any real property within the county.

Qualification of voter.

6. At every election of board members for a county board in any board district every person who shall then be a registered voter in such district for candidates for parliamentary elections shall be entitled to vote for the board members allotted to such district. No person shall be entitled to vote at more than one polling place in the county at any election. Every person qualified to vote shall be entitled to vote for a number of candidates equal to the number of board members to be returned at the time of such election by the district in which he votes.

Date of election.

7. On the *first day of November one thousand eight hundred and seventy-six*, the twenty-four board members for the ensuing year, to be counted from the first day of November, shall be elected. On the first day of November in every subsequent year the eight board members to be elected in place of those retiring by rotation shall be elected.

Notice of election.

8. The returning officer shall on the twentieth day of October in every year prepare and issue a notice in the form to be approved of by the Lord Lieutenant and the Privy Council, and shall cause such notice to be duly posted on every church and other place of worship, and also on every courthouse, police station, market-place, and other usual place for posting public notices, that on the first day of Novem-

ber next he shall proceed to the election of board members, and will up to four o'clock on the first day of November receive nominations for candidates for election for the different board districts of said county for which board members are to be elected. The notice to be published on the twentieth of October one thousand eight hundred and seventy-five shall state that twenty-four board members are to be elected, and also the number of board members to be elected by each district, specifying same. The notice to be published in every year subsequent to the twentieth of October one thousand eight hundred and seventy-six shall state the number of board members to be elected in place of those retiring by rotation, the districts for which they are to be elected, and the names of the board members then going out of office.

Mode of nomination

9. Every nomination shall be in writing and in the form in the second schedule hereto. Every such nomination paper shall be signed by two voters as proposer and seconder. Every such nomination paper shall be delivered to the returning officer at the usual place for holding parliamentary elections for the county for which the board is to be constituted, or to such other persons as he may appoint to receive the same if he thinks fit in the different board districts. Such nomination papers may be transmitted by post.

Returning officer to decide on validity of nomination paper.

10. The returning officer shall carefully preserve every nomination paper received by him, and on the receipt thereof shall mark on each a number and date according to the order in which the same shall be received. He shall also compare each nomination paper with the registry of voters and ascertain whether the several persons mentioned in each nomination paper are in all respects duly qualified to nominate and be nominated respectively. In the event of his considering any nomination paper informal, he shall within one hour after receipt of same put on the door of courthouse that he has rejected such nomination paper, and state the reason for doing so.

The returning officer shall decide on the validity of every objection made to a nomination paper, and his decision of rejecting the objection shall be final; but if allowing the same shall be subject to reversal on petition questioning the election or return.

Candidate may resign.

11. If any person put in nomination for the office of board member shall at any time before four o'clock on the first day of November duly tender to the returning office his refusal in writing to such office the returning officer shall omit and strike out the name of such person from the list of candidates.

A.D. 1876.

If more candidates than local members to be returned, poll to be adjourned.

12. On the first day of November in every year if the candidates for any board district shall not exceed the number of board members to be then elected for such district, the returning officer shall on said day declare such candidates except such as may have declined to act to be the board member for such district, and shall certify the same accordingly. When the candidates duly nominated for any board district shall exceed the number of board members to be elected for such district, the returning officer shall on the first day of November adjourn the poll for such board districts to that day week. If for any board district no candidates are nominated or not a sufficient number to fill up the vacancies in such district, the returning officer shall return as many of the outgoing board members of such district as board members for the ensuing year for such district as necessary to make the prescribed number of board members for such district complete. In making such returns the returning officer shall select those who at the then last contested election for such district received the greater number of votes.

Voting to be by ballot.

13. The poll at any contested election for board members shall be conducted by the returning officer, and shall so far as circumstances admit, be conducted in the manner in which the poll is under the Ballot Act 1872 directed to be conducted at all contested parliamentary elections, subject to the modifications contained in this Act, and shall be by ballot; and such provisions of the Ballot Act, 1872, as relate to or are concerned with the poll at a parliamentary election shall apply to a poll at a contested county board election: Provided as follows, the term "petition questioning the election or return" shall mean any proceeding in which a county board election can be questioned.

Each voter shall vote at the polling place at which he would be entitled to vote in a parliamentary election, and the returning officer shall make arrangements for receiving votes at each parliamentary polling place in those board districts of which the representation is contested.

Ballot-boxes may be forwarded by post.

14. The several ballot-boxes used in the different polling places shall be forwarded to the returning officer in such manner as the Lord Lieutenant shall direct with the advice of his Privy Council. It shall be lawful for the Lord Lieutenant to authorise the ballot-boxes to be transmitted by post subject to such regulations as he shall think fit.

Votes to be counted as provided by Ballot Act.

15. On the tenth day of November and from that day continuously the receiving officer shall proceed to count the votes for the different candidates for board districts. If all the ballot-boxes have not

then arrived the receiving officer may adjourn such counting for such time as he thinks fit. The votes shall be counted, so far as circumstances admit, as is provided in the case of parliamentary elections by the Ballot Act, 1872, and such provisions of said Act as relate to or are concerned with the counting at a parliamentary election shall apply to the counting at a contested county board election.

Returning officer to return board members.

16. As soon as such counting shall have taken place, or in the event of there being no contest for any board district on the first day of November, the returning officer shall make a return under his hand and seal in the manner to be appointed by the Lord Lieutenant with the advice of his Privy Council of the name of every board member whom he shall declare to be returned.

In the case of a contest for any board district the names of all candidates and the number of votes they received shall be returned. In case there shall have been no candidates for any board district, or in case the number of candidates shall be less for any board district than the number of local members to be returned for such district, this fact shall be so stated. The returning officer shall forthwith publish such return. As soon as the receiving officer shall have signed such return in manner aforesaid the members so returned shall be deemed board members of the county board for the ensuing year. The return when made shall be given to the secretary of the county board, who is to preserve same. The returning officer shall transmit a duplicate of such return to the clerk of the hanaper.

The county board in each county shall be deemed to be established as soon as the returning officer of such county makes a return as aforesaid.

In case of an equality in the number of votes for any two or more candidates the returning officer, if necessary, to prevent an excess in the number of board members for any board district shall decide by lot which of such candidates are to be elected.

County board a body politic.

17. The county board for every county while so acting shall be and are hereby declared to be a body politic and corporate, and shall be called by the name of the "County Board for the County of_____," and are hereby authorised and enabled by that name to sue and be sued, plead and implead in law and equity.

Meetings of county board.

18. The county board shall meet at such times and at such places as shall be enjoined by order of the Lord Lieutenant with the advice of the Privy Council.

The county board shall during the time of the assizes transact no fiscal business without the permission of the judge of assizes as

A.D. 1876.

heretofore obtained by the grand jury. The county board shall during each assizes transmit to the judge of assizes any presentments they may have agreed to in the same manner that same have heretofore been transmitted by the grand jury.

Acts of board valid when not complete.

19. In case the full number of board members shall not be elected at any election of board members for the time being, or in the event of any vacancy occurring in such county board by the death or disqualification to act of any board member, the other or remaining board members of the said county shall continue to act until the next election, or until the completion of such board, as if no such vacancy occurred, and as if the number of such board were complete.

Officers of grand jury transferred to county board.

20. In every county all officers, clerks, barony constables, the present secretary of the grand jury, and all other persons employed in or about the execution of the powers and duties by this Act transferred to the county board, shall, from and after the *eighth day of November one thousand eight hundred and seventy-six*, be attached to and under the control of the county board for such county.

Constabulary to post notices.

21. The nominating officer shall be entitled to require the constabulary of the county in which any election may take place to post all notices required to be given for the carrying out of this Act.

Corrupt Practices Municipal Act, 1872, incorporated with Act.

22. The Corrupt Practices Municipal Act, 1872, shall be incorporated with this Act: Provided as follows,—

"Borough" includes county.

"Office" includes sheriff, sub-sheriff, and board member.

"Town clerk" includes clerk of the peace.

"Borough rate or fund" includes rate under the sixth and seventh William the Fourth, chapter one hundred and sixteen.

"Register" includes the different parliamentary voting lists for the polling districts which form any board district.

Ballot Act, 1872, incorporated with Act.

23. The Ballot Act, 1872, shall be incorporated herewith: Provided as follows,—

(*a.*) In Part III. the expression "municipal" includes county board:

(*b.*) In the application of the provisions of the first schedule of the Ballot Act, 1872, to county board elections, the following modifications shall be made. 1. An order of the civil bill court having jurisdiction in the county or any part thereof, or of any tribunal in which a county board election is questioned, shall be substituted for an order of the House of Commons, or of one of Her Majesty's superior

courts, but an appeal from such civil bill court may be had in like manner as in other cases in such civil bill court; 2. Nothing in such schedule with respect to time to elapse from day of poll to day of nomination shall apply to a county board election.

The returning officer shall have a similar right to require the use of any room and of any ballot-boxes, as provided by sections six and fourteen of such Act for parliamentary elections.

Ballot papers to be dealt with as in Ballot Act.

24. The returning officer shall forward all ballot papers and all other documents connected with the election to the clerk of the hanaper office, and transfer in the same manner all such documents as are directed to be forwarded in contested parliamentary elections by the Ballot Act, 1872, all which documents shall be dealt with and liable to be produced and inspected so far as circumstances admit in the same way and manner as such documents are now dealt with by the Ballot Act, 1872.

Barony constable to assist.

25. The returning officer shall be entitled to require any barony constable in the county for which an election is being held to preside for him at any polling station on payment to him of the sum of *one guinea*.

Any barony constable neglecting to preside when so required shall be liable to pay to the returning officer whatever sum such officer may have had to pay a deputy to preside in his place. Such sum may be recovered before the chairman of the Civil Bill Court of such county.

Dates to be altered.

26. All dates in this Act on which matters are ordered to be done may from time to time be altered by the Lord Lieutenant, with the advice of his Privy Council, at the recommendations of the county board for the county for which such alteration is made.

Elections not to be held on Sunday.

27. In every case where any date on which any matter or thing ordered to be done under this Act shall fall on a Sunday, such matter or thing shall be done on the following day.

Returning officer entitled to expenses.

28. The county board shall pay to the returning officer the expenses of carrying out an election under this Act. Such expenses shall not exceed for each polling place in the county the sum of three pounds.

County board to present for expenses.

29. It shall and may be lawful for the county board of each county, and such county board is hereby required to present (without previous application to presentment sessions), to be raised off such county, such sum as the returning officer may be entitled to for expenses in carrying out elections under this Act.

No paid agents.

30. No candidate shall be allowed to employ any paid agent as a canvasser on his behalf. The election of any candidate who employs such an agent shall be void.

A.D. 1876.

Sheriff returning officer.

31. The sheriff of each county shall be the returning officer for the election of the county board.

Sections of Commissioners Clauses Act incorporated. 10 Vict. c. 16.

32. The following sections of the Commissioners Clauses Act, 1847, shall be incorporated in this Act, sections 2, 3, sections 8, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, 20, 25, 32, 33, 34, 37, 38, 39, 48, 49, 50, 51, 52, 53, 55, 56, 60, 62, 64, 96, 97, 98, 99, 100, 101: Provided as follows in the above sections: commissioner includes board member; ward includes board district; annual meeting shall mean first meeting in each year of board members after their election. In section 17, for first Thursday of September shall be substituted first of November. In section 20, commissioners shall mean twenty-four elected commissioners.

Lord Lieutenant to make orders.

33. The Lord Lieutenant with the advice of the Privy Council in Ireland may and is hereby required on or before the *twentieth day of October one thousand eight hundred and seventy-six* to make general orders for the purpose of carrying this Act into effect and for regulating the forms and procedure at board elections: Provided always, that in making such general orders regard shall be had to preserving the secrecy of the ballot.

Orders to be laid before Parliament.

34. All such general orders as aforesaid shall immediately after the making and issuing thereof be laid before both Houses of Parliament if then sitting; or if Parliament be not then sitting, within five days after the next meeting thereof: Provided always, that if either of the Houses of Parliament shall by any resolution passed within thirty-six days after such general orders have been laid before such Houses of Parliament, resolve that the whole or any part of such general orders ought not to continue in force, in such case the whole, or such part thereof as shall be so included in such resolution, shall from and after such resolution cease to be binding.

Meaning of terms.

35. The following words or expressions in this and any Act incorporated therewith, and in any Act mentioned in the first schedule hereto, shall have the several meanings hereby assigned to them, unless there be something in the subject or the context repugnant to such construction; (that is to say),

Secretary or secretary to general jury includes secretary to county board:

Real property shall include chattels real:

Registry of voters, registry of voters for parliamentary elections.

Title of Act.

36. This Act may be cited as the County Board (Ireland) Act, 1875.

Act may be amended.

37. This Act may be amended or repealed during the present session.

Extent of Act.

38. This Act shall extend to Ireland only.

SCHEDULES.

A.D. 1876.

SCHEDULE I.

50 Geo. III. c. 102.	8 & 9 Vict. c. 81.	19 & 20 Vict. c. 37.
1 & 2 Geo. IV. c. 33.	8 & 9 Vict. c. 107.	19 & 20 Vict. c. 63.
4 Geo. IV. c. 33.	9 & 10 Vict. c. 2.	19 & 20 Vict. c. 68.
4 Geo. IV. c. 43.	9 & 10 Vict. c. 37.	19 & 20 Vict. c. 99.
5 Geo. IV. c. 93.	9 & 10 Vict. c. 71.	20 & 21 Vict. c. 15.
6 Geo. IV. c. 52.	9 & 10 Vict. c. 86.	21 & 22 Vict. c. 103.
6 Geo. IV. c. 101.	9 & 10 Vict. c. 97.	23 Vict. c. 4.
7 Geo. IV. c. 74.	9 & 10 Vict. c. 115.	23 & 24 Vict. c. 119.
3 & 4 Wm. IV. c. 37.	10 & 11 Vict. c. 87.	23 & 24 Vict. c. 152.
3 & 4 Wm. IV. c. 78.	11 & 12 Vict. c. 1.	23 & 24 Vict. c. 150.
4 & 5 Wm. IV. c. 90.	11 & 12 Vict. c. 26.	24 & 25 Vict. c. 63.
6 & 7 Wm. IV. c. 13.	11 & 12 Vict. c. 32.	24 & 25 Vict. c. 71.
6 & 7 Wm. IV. c. 116.	11 & 12 Vict. c. 51.	25 & 26 Vict. c. 106.
7 Wm. IV. & 1 Vict. c. 2.	11 & 12 Vict. c. 69.	27 & 28 Vict. c. 17.
	13 & 14 Vict. c. 69.	30 & 31 Vict. c. 112.
1 Vict. c. 54.	13 & 14 Vict. c. 85.	33 & 34 Vict. c. 9.
2 & 3 Vict. c. 50.	14 & 15 Vict. c. 85. s. 4.	34 & 35 Vict. c. 25.
3 & 4 Vict. c. 44.	16 & 17 Vict. c. 38.	34 & 35 Vict. c. 42.
5 & 6 Vict. c. 42.	16 & 17 Vict. c. 136.	35 & 36 Vict. c. 42.
5 & 6 Vict. c. 81.	17 & 18 Vict. c. 36.	36 & 37 Vict. c. 39.
6 & 7 Vict. c. 44.	17 & 18 Vict. c. 103.	37 & 38 Vict. c. 76.
7 & 8 Vict. c. 106.	18 & 19 Vict. c. 109.	

SCHEDULE II.

Nomination Paper.

We, the undersigned, *A.B.* of and *C.D.* of being electors for the of do hereby nominate the following person as a proper person to serve as local member for the board district of in the said county for the county board of

Surname.	Other Names.	Abode.	Rank, Profession, or Occupation.
Brown -	John -	52, Sackville Street, Dublin	Farmer.

A.B.
C.D.

Electoral County Boards (Ireland).

A

BILL

For the establishment of Electoral County Boards in Ireland.

(*Prepared and brought in by Captain Nolan, Mr. O'Clery, and Mr. Fay.*)

Ordered, by The House of Commons, *to be Printed*, 9 *February* 1876.

[Bill 8.]

Under 2 *oz.*

Elementary Education Bill.

ARRANGEMENT OF CLAUSES.

Preliminary.

Clauses.

1. Short title.
2. Extent of Act.
3. Commencement of Act.

Law as to Education of Children.

4. Regulation as to employment of child under ten, and certificate of education or previous school attendance being condition of employment of child over ten.
5. Enforcement of Act by existing local authority or inspectors of factories or mines.
6. Existing local authorities to have like powers with school boards of enforcing by byelaw attendance of children.
7. Provision as to order of court for attendance at school of child continuously and habitually neglected by parent or habitually wandering and consorting with criminals or disorderly persons.
8. Proceedings on disobedience to order of court for attendance at school.
9. Duty of local authority as to taking proceedings under this Act or 29 & 30 Vict. c. 118.
10. License to child sent to industrial school to live out while attending school.
11. Exception to prohibition of employment of children.
12. Payment of school fees for poor parents.

Parliamentary Grant.

13. Special provision as to parliamentary grant to schools in poor districts.
14. Contribution for fees of children who obtain certificates.

Administrative Provisions.

15. Supplemental provisions as to certificates of proficiency and previous attendance at school.
16. Certificates of birth for purposes of Act.

Clauses.
17. Penalty for employing a child in contravention of Act.
18. Provision as to byelaws under section 74 of the Elementary Education Act, 1870 (33 & 34 Vict. c. 75.), as extended by this Act.
19. Failure of local authority to perform their duty under this Act.
20. Provision as to requisition of parish.
21. Officers of local authority.
22. Provision as to powers and expenses of school board.
23. Expenses of local authority other than school board.
24. General and local committee of local authority.
25. Clerk of guardians, and application of Acts to guardians.
26. Effect of subsequent appointment of school board.

Legal Proceedings.

27. Application of 36 & 37 Vict. c. 86. ss. 23–4, to penalties, &c.
28. Exemption of employer on proof of guilt of some other person.

Miscellaneous.

29. Adaptation of 36 & 37 Vict. c. 86. s. 3., respecting pauper children, to this Act.
30. Amendment of 33 & 34 Vict. c. 75. as to elections to fill casual vacancies in school board.
31. Application of 33 & 34 Vict. c. 75. ss. 83, 84, to orders and documents of Education Department.
32. Effect of schedules.
33. Definition of employment in case of parent.
34. General definitions.
35. Provision as to part of a parish.
36. Construction of this Act with other enactments.
37. Temporary modification as to application of Act, and saving for children in employment at passing of Act.
38. Repeal of Acts.

Schedules.

A

B I L L

TO

Make further provision for Elementary Education. A.D. 1876.

WHEREAS it is expedient to make further provision for the education of children, and for securing the fulfilment of parental responsibility in relation thereto, and otherwise to amend and to extend the Elementary Education Acts:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

1. This Act may be cited as the "Elementary Education Act, 1876." Short title.

2. This Act shall not apply to Scotland or Ireland. Extent of Act.

3. This Act shall come into operation on the *first day of January one thousand eight hundred and seventy-seven* (which day is in this Act referred to as the commencement of this Act). Commencement of Act.

Law as to Employment and Education of Children.

4. A person shall not, after the *commencement* of this Act, take into his employment (except as hereinafter in this Act mentioned) any child— Regulation as to employment of child under 10, and certificate of education or previous school attendance being condition of employment of child over 10.

(1.) Who is under the age of ten years; or

(2.) Who, being of the age of ten years or upwards, has not obtained such certificate either of his proficiency in reading, writing, and elementary arithmetic, or of previous due attendance at a public elementary school, as is in this Act in that behalf mentioned.

A.D. 1876.

Enforcement of Act by existing local authority or inspectors of factories or mines.

5. The provisions of this Act respecting the employment of children shall be enforced—

(1.) In a school district within the jurisdiction of a school board, by that board; and

(2.) In every other school district, if it is a borough, by the council of the borough or a committee appointed by the council, and if it is a parish, by the guardians of the union comprising such parish or a committee appointed by such guardians;

and every such authority (in this Act referred to as the local authority) shall, as soon as may be, publish the provisions of this Act within their jurisdiction in such manner as they think best calculated for making those provisions known:

Provided that it shall be the duty of the inspectors and sub-inspectors acting under the Acts regulating factories workshops and mines respectively, and not of the local authority, to enforce the observance by the employers of children in such factories workshops and mines of the provisions of this Act respecting the employment of children.

Existing local authorities to have like powers with school boards of enforcing by byelaw attendance of children.

6. In a school district not within the jurisdiction of a school board, if it is a borough the council may if they think fit, and if it is a parish the guardians of the union comprising such parish on the requisition of the parish, but not otherwise, shall make byelaws respecting the attendance of children at school under section seventy-four of the Elementary Education Act, 1870, as if such council and guardians respectively were a school board.

Provision as to order of court for attendance at school of child continuously and habitually neglected by parent or habitually wandering and consorting with criminals or disorderly persons.

7. If it appear to the local authority, either—

(1.) That the parent of any child above the age of five years who is under this Act prohibited from being taken into employment, continuously and habitually and without reasonable excuse neglects to provide such elementary instruction for his child as will enable the child to obtain a certificate under this Act; or

(2.) That any child is found habitually wandering, and either not under any control, or in the company of rogues, vagabonds, disorderly persons, or reputed criminals;

it shall be the duty of such local authority, after due warning to the parent of such child, to complain to a court of summary jurisdiction, and such court may, if it think fit, order that the child do attend in such regular manner as is specified in the order such public elementary school willing to receive him and named in

the order as the parent may select, or, if he do not select any, as the court think expedient. A.D. 1876.

Any of the following reasons shall be a reasonable excuse:

(1.) That there is not within two miles, measured according to the nearest road, from the residence of such child any public elementary school open which the child can attend; or

(2.) That the absence of the child from school has been caused by sickness, necessary domestic employment at its own home, or any unavoidable cause.

Proceedings on disobedience to order of court for attendance at school.

8. Where an order of a court of summary jurisdiction under this Act for a child to attend a public elementary school is not complied with, without any reasonable excuse within the meaning of this Act, a court of summary jurisdiction, on complaint made by the local authority, may, if it think fit, order as follows:

(1.) In the first case of non-compliance, if the parent of the child does not appear, or appears and fails to satisfy the court that he has used all reasonable efforts to enforce compliance with the order, the court may impose a penalty not exceeding with the costs *five shillings;* but if the parent satisfies the court that he has used all reasonable efforts as aforesaid, the court may, without inflicting a penalty, order the child to be sent to a certified industrial school; and

(2.) In the second or any subsequent case of non-compliance with the order, the court may order the child to be sent to a certified industrial school, and may further in its discretion inflict any such penalty as aforesaid, or it may for each such non-compliance inflict any such penalty as aforesaid without ordering the child to be sent to an industrial school;

Provided that a complaint under this section with respect to a continuing non-compliance with any such order of a court of summary jurisdiction as is mentioned in this section shall not be repeated by the local authority at any less interval than four weeks.

A child sent to an industrial school in pursuance of this section shall be sent in like manner as if sent in pursuance of the Industrial Schools Act, 1866; and the parent, if liable under that Act to contribute to the maintenance and training of his child when sent to an industrial school, shall be liable so to contribute when his child is sent in pursuance of this section. 29 & 30 Vict. c. 118.

A.D. 1876.

Duty of local authority as to taking proceedings under this Act or 29 & 30 Vict. c. 118.

9. Where the local authority are informed by any person of any child in their jurisdiction who is liable to be ordered by a court under this Act to attend school, or to be sent under this Act, or the Industrial Schools Act 1866 to an industrial school, it shall be the duty of the local authority to take proceedings under this Act or the Industrial Schools Act 1866 accordingly, unless the local authority think that it is inexpedient to take such proceedings.

License to child sent to industrial school to live out while attending school.

10. Where a child is sent to a certified industrial school under this Act or the Industrial Schools Act 1866 upon the complaint or representation of the local authority under this Act, the managers of such school may, if they think fit, at any time after the expiration of *one month* after the child is so sent give him a license under section twenty-seven of the Industrial Schools Act 1866 to live out of the school, but the license shall be conditional upon the child attending as a day scholar, in such regular manner as is specified in the license, some school willing to receive him and named in the license, and being a public elementary school or the said industrial school.

Exception to prohibition of employment of children.

11. A person shall not be deemed to have taken any child into his employment contrary to the provisions of this Act, if it is proved to the satisfaction of the court having cognizance of the case either—

(1.) That during the employment there is not within two miles, measured according to the nearest road, from the residence of such child any public elementary school open which the child can attend; or

(2.) That such employment does not interfere with the efficient elementary instruction of such child, and that the child obtains such instruction by regular attendance for full time at a public elementary school or in some other manner; or

(3.) That the employment is in the hay harvest, corn harvest, or hop picking, or is otherwise necessary for the in-gathering of crops.

Payment of school fees for poor parents. See 35 & 36 Vict. c. 62. (Scotch Education Act) s. 69.

12. The parent of any child not being resident in the district of a school board who is unable by reason of poverty to pay the ordinary fee for such child at a public elementary school, or any part of such fee, may apply to the guardians having jurisdiction in the parish in which he resides; and it shall be the duty of such guardians, if satisfied of such inability, to give the parent sufficient money to pay the said fee, not exceeding *threepence* a

week, or such part thereof as he is, in the opinion of the guardians, so unable to pay.

The parent shall not, by reason of any money given under this section, be deprived of any franchise, right, or privilege, or be subject to any disability or disqualification.

Money under this section shall not be given on condition of the child attending any public elementary school other than such as may be selected by the parent, nor refused because the child attends, or does not attend any particular public elementary school.

Parliamentary Grant.

Special provision as to parliamentary grant to schools in poor districts. 33 & 34 Vict. c. 75. s. 97. 35 & 36 Vict. c. 62. s. 67.

13. *The minutes of the Education Department relating to the annual parliamentary grant shall provide that where in any year the Education Department are satisfied that in any school district, or (in the case of the London district or of a borough containing a population exceeding five thousand) in any such part of a school district as is for the purposes of this section constituted a special division, a rate of threepence in the pound on the rateable value of such school district or special division of a district would produce less than six shillings per head of one sixth part of the population of such school district or special division, the annual parliamentary grant to be made during that year to any public elementary school situate in such district or special division of a district shall not exceed double the amount of the income of the school for that year derived from voluntary contributions, rates, and fees, instead of not exceeding the amount of such last-mentioned income.*

In the London district the areas following, that is to say,

(1.) *Any union wholly situate in that district; or*

(2.) *Any parish within that district, and forming part of a union not wholly situate in that district,*

shall be deemed to be special divisions of a school district for the purposes of this section.

In a borough the areas following shall be deemed to be special divisions of a school district for the purposes of this section; that is to say,

(1.) *Any area being a ward in the borough which is co-extensive with a parish or parishes, or with any other area in which a separate rate assessable on the basis of the poor rate is levied; and*

(2.) *As regards any part of the borough not comprised in any such ward as aforesaid, whether the borough is or not divided into wards, any area which may be defined to be a*

A.D. 1876.

special division by a resolution of the council of the borough, approved by the Local Government Board and the Education Department.

The council of the borough, in submitting such resolution to the Local Government Board and the Education Department, and afterwards from time to time when required by the Education Department, shall certify to the satisfaction of such board and department the population and rateable value of the ; and if at any time they refuse or fail so to certify, the shall cease to be a special division for the purposes of this section.

The population for the purposes of this section shall be taken according to the last published census for the time being.

In this section the London district means the school district of the school board for London.

Contribution for fees of children who obtain certificates.

14. Where, during the first *five years* after the commencement of this Act, a child, after he has attained the age of ten years and before he has attained the age of eleven years, obtains such certificate of proficiency in reading, writing, and elementary arithmetic, and also such certificate of previous due attendance at a public elementary school, as are in this Act in that behalf mentioned, the school fee payable by such child at any public elementary school in the course of the three years next after he obtains the last of such certificates, not exceeding the ordinary fee charged at such school, may be paid by the Education Department out of moneys provided by Parliament.

Administrative Provisions.

Supplemental provisions as to certificates of proficiency and previous attendance at school.

15. The certificates of proficiency of a child in reading, writing, and elementary arithmetic, and of the previous due attendance of a child at a public elementary school for the purposes of this Act, shall be certificates of proficiency and previous due attendance ascertained according to the standards set forth in the First Schedule to this Act.

The Education Department may from time to time by order make, and when made, revoke and vary regulations with respect to the persons by whom and the form in which certificates of the said proficiency and due attendance are to be granted, and with respect to other matters relating thereto, and with respect to the preservation of registers and other records of such proficiency and attendance, and such regulations shall be observed by the local authority and the managers of public elementary schools.

Certificates of birth for purposes of Act.

16. Where the age of any child is required to be ascertained or proved for the purposes of this Act, or for any purpose connected

with the elementary education or employment in labour of such child, any person on presenting a written requisition in such form and containing such particulars as may be from time to time prescribed by the Local Government Board, and on payment of a fee of *one shilling*, shall be entitled to obtain a certified copy under the hand of the registrar or superintendent registrar of the entry in the register under the Births and Deaths Registration Acts 1836 to 1874 of the birth of the child named in the requisition.

Penalty for employing a child in contravention of Act.

17. Every person who takes a child into his employment in contravention of this Act shall be liable, on summary conviction, to a penalty not exceeding *forty shillings*.

Provision as to byelaws under s. 74 of the Elementary Education Act, 1870 (33 & 34 Vict. c. 75.), as extended by this Act.

18. For the purposes of this Act section seventy-four of the Elementary Education Act, 1870, and all enactments of that or any other Act referring to byelaws under that section, shall be construed as if "school board" included the authority authorised by this Act to make byelaws :

Provided that nothing in any byelaw shall authorise the authority making the same in pursuance of this Act to remit or pay any fees.

It shall be the duty of every local authority to enforce the byelaws made by that authority in pursuance of section seventy-four of the Elementary Education Act, 1870.

Failure of local authority to perform their duty under this Act. 33 & 34 Vict. c. 75. s. 63. See Public Health Act (38 & 39 Vict. c. 55.), s. 299.

19. If the Education Department are satisfied, after such inquiry and such notice to any local authority as they think expedient, that such authority have failed to fulfil their duty under this Act, the Education Department (without prejudice to any other remedy)—

(*a.*) If the authority are a school board, may proceed as if such board were a school board in default within the meaning of the Elementary Education Act, 1870; and,

(*b.*) If the authority are not a school board, may by order appoint any persons for a specified period not exceeding *two years* to perform the duty of the defaulting authority under this Act, and from time to time change such persons.

During the said specified period the persons so appointed shall perform the duty of the defaulting local authority under this Act, to the exclusion of that authority, and shall in the performance and for the purposes of such duty be invested with all the powers of the authority other than the power of raising money; but after the expiration of such period the local authority shall resume their duty under this Act, subject nevertheless to any further proceeding under this section in the case of a new default.

A.D. 1876.

All expenses incurred by persons appointed under this section by the Education Department to act in lieu of such defaulting authority as in this section in that behalf mentioned, including a reasonable remuneration to such persons, shall, to the amount certified by the Education Department to be due, be a debt to Her Majesty from the defaulting authority, and may be recovered accordingly; and the certificate of the Education Department shall be conclusive evidence that the sum named in the certificate is due under this section.

The Education Department shall annually report to Parliament the cases in which any proceedings have been taken by them in pursuance of this section.

Provision as to requisition of parish.

20. The requisition of a parish to guardians for the purposes of this Act, if made, shall be made by a resolution passed by the same persons, and in the same manner, and subject to the same regulations of the Education Department, as a resolution for an application to the Education Department for a school board.

The requisition may be accompanied by representations, made by a resolution passed in like manner, as to the nature of the byelaws desired by the parish, and in making and approving the byelaws regard shall be had to such representations.

Officers of local authority.

21. Every local authority, but subject in the case of guardians to the approval of the Local Government Board, shall direct one or more of their officers to act in the execution of this Act, and of any byelaws made by such authority, and may, if they think fit, pay him or them for so doing, and may, if need be, appoint and pay officers for the purpose.

Provision as to powers and expenses of school board.

22. The powers and expenses of a school board under this Act shall be deemed to be powers and expenses of that board under the Elementary Education Act, 1870, and the provisions of that Act and any Act amending the same shall apply thereto accordingly.

Expenses of local authority other than school board.

23. The expenses (if any) of a local authority (other than a school board) under this Act shall be paid,—

(1.) Where the local authority is a council, out of the borough fund or borough rate; and,

(2.) Where the local authority is a board of guardians, out of a fund to be raised out of the poor rate of the parishes in which the guardians act for the purposes of this Act, according to the rateable value of each parish:

For the purpose of obtaining payment of such expenses, the board of guardians shall have the same powers as they have for the

purpose of obtaining contributions to their common fund under the Acts relating to the relief of the poor. A.D. 1876.

General and local committee of local authority. See 33 & 34 Vict. c. 75. s. 15.

24. The local authority under this Act although not a school board may from time to time delegate all or any of their powers under this Act (except the power of raising money) to a general committee appointed by them.

The local authority or any such general committee may, if they think fit, from time to time delegate to different local committees appointed by them within different parishes or other areas in their district, all or any of their powers under this Act so far as respects such parish or area, except the power of raising money.

The rules in the Second Schedule to this Act shall apply to every committee appointed under this section.

Clerk of guardians, and application of Acts to guardians.

25. In a union the clerk of the guardians shall be the clerk of the local authority for the purposes of this Act.

All enactments relating to guardians and their officers and expenses, and to relief given by guardians, shall, subject to the express provisions of this Act, apply as if the guardians and their officers acting under this Act, and expenses incurred, and money for the payment of a school fee given under this Act, were respectively acting, incurred, and given as relief, under the Acts relating to the relief of the poor, and the Local Government Board may make rules, orders, and regulations accordingly.

Effect of subsequent appointment of school board.

26. Where a school board is appointed after the commencement of this Act for any school district the authority acting at the time of such appointment as the local authority under this Act shall continue so to act until the expiration of *two months* after the election of such board, and shall then cease so to act for such district; nevertheless, all byelaws previously made by the local authority shall continue in force, subject to being revoked or altered in respect of that district by the school board in pursuance of section seventy-four of the Elementary Education Act, 1870.

Legal Proceedings.

Application of 36 & 37 Vict. c. 86.ss.23–4, to penalties, &c.

27. Sections twenty-three, twenty-four, and twenty-five of the Elementary Education Act, 1873 (which provisions relate to legal proceedings, and the forgery of certificates), shall so far as applicable apply in the case of offences and penalties under this Act, and proceedings for such offences and penalties and of certificates for the purposes of this Act, in like manner as if those sections were enacted in this Act and in terms made applicable thereto.

A.D. 1876.

An order which a court of summary jurisdiction have authority to make in pursuance of this Act may be made in manner provided by the Summary Jurisdiction Acts.

Exemption of employer on proof of guilt of some other person. See Factory Act, 7 & 8 Vict. c. 15. s. 41.

28. Where the offence of taking a child into employment in contravention of this Act is in fact committed by an agent or workman of the employer, such agent or workman shall be liable to a penalty as if he were the employer.

Where a child is taken into employment in contravention of this Act on the production by or with the privity of the parent of a false or forged certificate, or on the false representation of his parent that the child is of an age at which such employment is not in contravention of this Act, that parent shall be liable to a penalty not exceeding *forty shillings*.

Where an employer charged with taking a child into his employment in contravention of this Act proves that he has used due diligence to enforce the observance of this Act, and either that some agent or workman of his employed the child without his knowledge or consent, or that the child was employed either on the production of a forged or false certificate and under the belief in good faith in the genuineness and truth of such certificate, or on the representation by his parent that the child was of an age at which his employment would not be in contravention of this Act and under the belief in good faith in such representation, and that the employer has taken all practical means in his power to prosecute such agent, workman, or parent to conviction, the employer shall be exempt from any penalty.

Where an employer satisfies the local authority, inspector, or other person about to institute a prosecution that he is exempt under this section by reason of some agent, workman, or parent being guilty, and gives all facilities in his power for proceeding against and convicting such agent, workman, or parent, such authority, inspector, or person shall institute proceedings against such agent, workman, or parent, and not against the employer.

Miscellaneous.

Adaptation of 36 & 37 Vict. c. 86. s. 3. respecting pauper children to this Act.

29. Whereas by section three of the Elementary Education Act, 1873, provision is made respecting the payment by guardians of the fees of pauper children, and with the view to adapt the said section to the provisions of this Act it is expedient to substitute for the said section the enactment following: Be it therefore enacted as follows:—

Where relief out of the workhouse is given by the guardians or their order, by way of weekly or other continuing allowance to the parent of any child above the age of five years who for the time being either is prohibited by this Act from being taken into employment, or is required by any byelaw under section seventy-four of the Elementary Education Act, 1870, as amended by this Act, to attend school, or to any such child, it shall be a condition for the continuance of such relief that elementary education in reading, writing, and arithmetic shall be provided for such child, and the guardians shall give such further relief (if any) as may be necessary for that purpose.

Any such relief to a parent as above mentioned shall not be granted on condition of the child attending any public elementary school other than such as may be selected by the parent, nor refused because the child attends or does not attend any particular public elementary school.

The guardians shall not have power under this section to give any relief to a parent in order to enable such parent to pay more than the ordinary fee payable at the school which he selects, or more than the fee which under this Act they can enable a parent to pay in any other case.

All relief given by guardians under this section shall be deemed to be relief within the meaning of the Acts relating to the relief of the poor, and shall be paid out of their common fund, and where given by the guardians of any union in the metropolis as defined by the Metropolitan Poor Act, 1867, shall be deemed to be expenses payable from the Metropolitan Common Poor Fund within the meaning of section sixty-nine of that Act, and shall be repaid to such guardians accordingly.

Amendment of 33 & 34 Vict. c. 75. as to elections to fill casual vacancies in school board.

30. The Elementary Education Act, 1870, shall be construed as if there were substituted for the rule numbered fifteen in the first part of the second schedule to that Act, which is repealed by this Act, the rule in the third schedule to this Act; and any reference to the said second schedule or the first part thereof shall be construed to refer to the same with the rule so substituted, but the said substitution shall not affect anything done before the commencement of this Act.

Application of 33 & 34 Vict. c. 75. ss. 83, 84. to orders and documents of Education Department.

31. The provisions of the Elementary Education Act, 1870, with respect to orders and documents of the Education Department, shall apply to all orders and documents of the Education Department under this Act.

Effect of schedules.

32. The schedules to this Act shall have effect as if they were enacted in the body of this Act.

Definition of employment in case of parent. Compare Workshop Act, 30 & 31 Vict. c. 146. s. 4.

33. A parent of a child who employs such child in any labour exercised by way of trade or for the purposes of gain, shall be deemed for the purposes of this Act to take such child into his employment.

General definitions. 33 & 34 Vict. c. 75. 36 & 37 Vict. c. 86.

34. A child in this Act means a child under the age of fourteen years.

Terms in this Act shall, so far as is consistent with the tenor thereof, have the same meaning as in The Elementary Education Acts, 1870 and 1873.

Provision as to part of a parish.

35. A part of a parish which by or in pursuance of The Elementary Education Acts, 1870 and 1873, is constituted a separate school district shall be deemed to be a separate school district and so far as necessary a separate parish by itself for the purposes of this Act, and the provisions of those Acts respecting such part of a parish shall apply, and for the purposes of those Acts and this Act the overseers of the entire parish shall be deemed to be the overseers of such part of a parish, and a rate in the nature of a poor rate may be levied therein by such overseers either as a separate rate or as an addition to the poor rate, and shall be deemed to be the local rate; and the guardians shall for the purposes of this Act have the like power of obtaining payment of a contribution from the said part of a parish as they have of obtaining a contribution from the whole parish.

Construction of this Act with other enactments.

36. Where any act, neglect, or default is punishable under this Act and also under any other enactment, or any byelaw made by a school board or other local authority for the time being in force, proceedings may be instituted in respect of such act, neglect, or default under this Act or such other enactment or byelaw, in the discretion of the authority or person instituting the proceedings, so that proceedings under one enactment or byelaw only be instituted in respect of the same act, neglect, or default; and any byelaw made either before or after the commencement of this Act, by any school board or other local authority under section seventy-four of the Elementary Education Act, 1870, if otherwise valid, shall not be rendered invalid by reason that it is more stringent than the provisions of this Act; and nothing in this Act shall prejudice the effect of or derogate from any provision relating to the employment of children contained in any previous Act of

Parliament which may be more stringent in its provisions than this Act.

Temporary modification as to application of Act, and saving for children in employment at passing of Act.

37. The provisions of this Act with respect to taking children into employment,

(1.) Shall, during *twelve months* after the commencement of this Act apply to children of the age of nine years and upwards as if they were of the age of ten years and upwards; and

(2.) Shall not apply to any child who has attained the age of eleven years before the commencement of this Act.

A child lawfully employed at the *passing* of this Act may continue to be employed in like manner as if this Act had not passed.

Repeal of Acts.

38. The Acts mentioned in the fourth schedule to this Act are hereby repealed as from the commencement of this Act, to the extent in the third column of that schedule mentioned.

The repeal of any enactment by this Act shall not affect anything previously done or suffered in pursuance of that enactment, and every offence against that enactment may be prosecuted, and any penalty thereunder recovered, in like manner as if this Act had not passed.

A.D. 1876.

SCHEDULES.

FIRST SCHEDULE.

STANDARDS OF PROFICIENCY IN READING, WRITING, AND ELEMENTARY ARITHMETIC AND PREVIOUS DUE ATTENDANCE AT SCHOOL.

For the purpose of Employment.

(1.) The standard of proficiency in reading, writing, and elementary arithmetic for the purpose of a certificate under this Act enabling a child to be employed shall be—

(*a.*) The standard of reading, writing, and elementary arithmetic fixed by standard four of the Code of 1876; or

(*b.*) Where the employment into which a child is taken is such that the child while employed will attend school half time in accordance either with any Act for the time being in force for regulating the education of children employed in labour, or with any byelaw, the standard of reading, writing, and elementary arithmetic fixed by standard three of the Code of 1876:

(2.) The standard of previous due attendance at a public elementary school for the purpose of a certificate under this Act enabling a child to be employed shall be two hundred and fifty attendances in not more than two schools during each year for five years, whether consecutive or not:

(3.) During the four years next after the commencement of this Act the standards for the purpose of enabling a child to be employed shall, instead of the foregoing standards, be those shown in the following table:

During the Year	The Standard of Proficiency shall be the Standard of Reading, Writing, and Arithmetic, fixed by the following Standard of the Code of 1876, namely,—		The Standard of previous due Attendance shall be	
	Ordinarily.	For Half-time Children.	The following Number of Attendances.	In not more than Two Schools during each year for the following Number of Years, whether consecutive or not.
1877	Second	First	250	Two.
1878	Second	First	250	Two.
1879	Third	Second	250	Three.
1880	Third	Second	250	Four.

Provided that where a child has been lawfully taken into employment, otherwise than as a half-time child, in any year in consequence of having obtained a certificate in accordance with the above table, such child may in any subsequent year be taken into employment without any further certificate, notwithstanding that under the Table a certificate requiring a higher standard is required for that year.

For the purpose of the Payment of Fees.

(4.) The standard of proficiency in reading, writing, and elementary arithmetic for the purpose of a certificate under this Act, with a view to allow of the payment of fees by the Education Department, shall be the standard of reading, writing, and elementary arithmetic fixed by standard four of the Code of 1876 :

(5.) The standard of previous due attendance at a public elementary school for the purpose of a certificate under this Act with a view to allow of the payment of fees by the Education Department, shall be two hundred and fifty attendances in not more than two schools during each year for five years :

(6.) Provided that in each of the four years next after the commencement of this Act the standard of previous due attendance shall, in lieu of the foregoing standard, be that shown in the following table :

During the Year.	The Standard of previous due Attendance shall be	
	The following Number of Attendances.	In not more than Two Schools during each year for the following Number of Years.
1877	250	Two.
1878	250	Two.
1879	250	Three.
1880	250	Four.

Miscellaneous.

(7.) Attendance for the purpose of this schedule means an attendance as defined by the Code of 1876.

(8.) The Code of 1876 in this schedule means the Code of the Minutes of the Education Department made in the year one thousand eight hundred and seventy-six with respect to the Parliamentary grant to public elementary schools.

A.D. 1876.

SECOND SCHEDULE.

Rules as to Committee appointed by Local Authority.

(1.) Any committee (general or local) appointed by a local authority may consist of not less than three persons, being, as the authority appointing them think fit, either wholly or partly members of that authority or other persons.

(2.) The local authority may from time to time add to or diminish the number of members, or otherwise alter the constitution of any committee formed by them under this section (so that the number of members of such committee shall never be less than three), or may dissolve any such committee.

(3.) Subject to any regulations made by the local authority the provisions of the third schedule of the Elementary Education Act, 1870, with reference to proceedings of managers appointed by a school board, shall apply to the proceedings of a committee appointed under this Act by a local authority.

(4.) A committee shall, unless the local authority otherwise direct, continue in office until the first meeting of that authority after the next annual election of members thereof, and thereafter until a new committee is appointed.

(5.) A committee, appointed by guardians, shall be appointed at the first meeting after the annual election of guardians, or some other meeting appointed with the approval of the Local Government Board for the purpose.

(6.) Where a general committee appoint a local committee such general committee shall be deemed in these rules to be included in the term local authority.

THIRD SCHEDULE.

Rule as to Election of School Board.

If any casual vacancy in the office of a member of a school board occurs by death, resignation, disqualification, or otherwise, such vacancy may be filled by the remaining members of the school board, if a quorum.

FOURTH SCHEDULE.

Acts Repealed.

Session and Chapter.	Short Title.	Extent of Repeal.
33 & 34 Vict. c. 75. -	The Elementary Education Act, 1870.	The rule numbered fifteen in the first part of the second schedule, and the rule numbered six in the third part of the second schedule.
36 & 37 Vict. c. 67. -	The Agricultural Children Act, 1873.	The whole Act.
36 & 37 Vict. c. 86. -	The Elementary Education Act, 1873.	Section three.
37 & 38 Vict. c. 88. -	The Births and Deaths Registration Act, 1874.	Section twenty-nine.

Elementary Education.

A

BILL

To make further provision for Elementary Education.

(Prepared and brought in by Viscount Sandon, Mr. Chancellor of the Exchequer, and Mr. Secretary Cross.)

Ordered, by The House of Commons, *to be Printed,* 18 *May* 1876.

[Bill 155.]

Under 3 *oz.*

Elementary Education Bill.

[AS AMENDED IN COMMITTEE.]

ARRANGEMENT OF CLAUSES.

Preliminary.

Clauses.

1. Short title.
2. Extent of Act.
3. Commencement of Act.
4. Declaration of duty of parent to educate child.

Law as to Employment and Education of Children.

5. Regulation as to employment of child under ten, and certificate of education or previous school attendance being condition of employment of child over ten.
6. Enforcement of Act by existing local authority or inspectors of factories or mines.
7. Existing local authorities to have like powers with school boards of enforcing by byelaw attendance of children.
8. Provision as to order of court for attendance at school of child continuously and habitually neglected by parent or habitually wandering and consorting with criminals or disorderly persons.
9. Proceedings on disobedience to order of court for attendance at school.
10. Duty of local authority as to taking proceedings under this Act or 29 & 30 Vict. c. 118.
11. License to child sent to industrial school to live out while attending school.
12. Amendment as to provision of industrial school by school board.
13. Exception to prohibition of employment of children.
14. Payment of school fees for poor parents.

Day Industrial School.

15. Establishment, &c. by day industrial schools.
16. Conditions of contribution to day industrial schools.
17. Contribution for fees of children who obtain certificates.

Administrative Provisions.

Clauses.

18. Supplemental provisions as to certificates of proficiency and previous attendance at school.
19. Certificates of birth for purposes of Act.
20. Penalty for employing a child in contravention of Act.
21. Provision as to byelaws under section 74 of the Elementary Education Act, 1870 (33 & 34 Vict. c. 75.), as extended by this Act.
22. Failure of local authority to perform their duty under this Act.
23. Provision as to requisition of parish.
24. Officers of local authority.
25. Dissolution of school board under certain circumstances.
26. Provision as to powers and expenses of school board.
27. Expenses of local authority other than school board.
28. Provisions as to school attendance committee, and appointment of local committee.
29. Power to authorise appointment of school attendance committee by urban sanitary authority.
30. Provision of offices by school board with consent of Education Department.
31. Clerk of guardians, and application of Acts to guardians.
32. Returns by local authority (although not a school board).
33. Employment and education of children in factories, &c.
34. Effect of subsequent appointment of school board.

Legal Proceedings.

35. Application of 36 & 37 Vict. c. 86. ss. 23–4, to penalties, &c.
36. Exemption of employer on proof of guilt of some other person.

Miscellaneous.

37. Adaptation of 36 & 37 Vict. c. 86. s. 3., respecting pauper children, to this Act.
38. Amendment of 33 & 34 Vict. c. 75. as to elections to fill casual vacancies in school board.
39. Application of 33 & 34 Vict. c. 75. ss. 83, 84, to orders and documents of Education Department.
40. Effect of schedules.

Clauses.

41. Definition of employment in case of parent.
42. General definitions.
43. Provision as to part of a parish.
44. Construction of this Act with other enactments.
45. Temporary modification as to application of Act, and saving for children in employment at passing of Act.
46. Repeal of Acts.
47. Amendment of 33 & 34 Vict. c. 75. s. 97. as to conditions of annual parliamentary grant.
48. The conditions of a parliamentary grant to include application of incomes to purposes of public elementary school only.

SCHEDULES.

A

B I L L

[AS AMENDED IN COMMITTEE]

TO

Make further provision for Elementary Education. A.D. 1876.

WHEREAS it is expedient to make further provision for the education of children, and for securing the fulfilment of parental responsibility in relation thereto, and otherwise to amend and to extend the Elementary Education Acts:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

1. This Act may be cited as the "Elementary Education Act, 1876." Short title.

2. This Act shall not apply to Scotland or Ireland. Extent of Act.

3. This Act shall come into operation on the first day of January one thousand eight hundred and seventy-seven (which day is in this Act referred to as the commencement of this Act). Commencement of Act.

4. It shall be the duty of the parent of every child to cause such child to receive efficient elementary instruction in reading, writing, and arithmetic, and if such parent fail to perform such duty, he shall be liable to such orders and penalties as are provided by this Act. Declaration of duty of parent to educate child.

Law as to Employment and Education of Children.

5. A person shall not, after the commencement of this Act, take into his employment (except as herein-after in this Act mentioned) any child— Regulation as to employment of child under 10, and certificate of

(1.) Who is under the age of ten years; or

A.D. 1876.

education or previous school attendance being condition of employment of child over 10.

(2.) Who, being of the age of ten years or upwards, has not obtained such certificate either of his proficiency in reading, writing, and elementary arithmetic, or of previous due attendance at a certified efficient school, as is in this Act in that behalf mentioned, unless such child is employed, and is attending school in accordance with the provisions of the Factory Acts, or of any byelaw of the local authority sanctioned by the Education Department, regulating the attendance at school of children who are necessarily and beneficially employed.

Enforcement of Act by existing local authority or inspectors of factories or mines.

6. The provisions of this Act respecting the employment of children shall be enforced—

(1.) In a school district within the jurisdiction of a school board, by that board; and

(2.) In every other school district by a committee (in this Act referred to as a school attendance committee) appointed annually, if it is a borough, by the council of the borough, and, if it is a parish, by the guardians of the union comprising such parish.

A school attendance committee under this section may consist of not less than six nor more than twelve members of the council or guardians appointing the committee, so, however, that, in the case of a committee appointed by guardians, one third at least shall consist of ex-officio guardians, if there are any and sufficient ex-officio guardians.

Every such school board and school attendance committee (in this Act referred to as the local authority) shall, as soon as may be, publish the provisions of this Act within their jurisdiction in such manner as they think best calculated for making those provisions known; it shall be the duty of such local authority to report to the Education Department any infraction of the provisions of section seven of the Elementary Education Act, 1870, in any public elementary school within their district which may come to their knowledge, and also to forward to the Education Department any complaint which they may receive of the infraction of these provisions.

Provided that it shall be the duty of the inspectors and sub-inspectors acting under the Acts regulating factories workshops and mines respectively to assist the local authority to enforce the observance by the employers of children in such factories workshops and mines of the provisions of this Act respecting the employment of children.

A.D. 1876.

Existing local authorities to have like powers with school boards of enforcing by byelaw attendance of children.

7. In a school district not within the jurisdiction of a school board, if it is a borough the council may if they think fit, and if it is a parish the school attendance committee for the union comprising such parish on the requisition of the parish, but not otherwise, shall make byelaws respecting the attendance of children at school under section seventy-four of the Elementary Education Act, 1870, as if such council and school attendance committee respectively were a school board.

Provision as to order of court for attendance at school of child continuously and habitually neglected by parent or habitually wandering and consorting with criminals or disorderly persons.

8. Either—

(1.) If the parent of any child above the age of five years who is under this Act prohibited from being taken into employment, habitually and without reasonable excuse neglects to provide efficient elementary instruction for his child; or

(2.) If any child is found habitually wandering or not under proper control, or in the company of rogues, vagabonds, disorderly persons, or reputed criminals;

it shall be the duty of such local authority, after due warning to the parent of such child, to complain to a court of summary jurisdiction, and such court may, if satisfied of the truth of such complaint, order that the child do attend such certified efficient school willing to receive him and named in the order, as the parent may select, or, if he do not select any, then such public elementary school as the court think expedient.

Any of the following reasons shall be a reasonable excuse:

(1.) That there is not within two miles, measured according to the nearest road, from the residence of such child any public elementary school open which the child can attend; or

(2.) That the absence of the child from school has been caused by sickness or any unavoidable cause.

Proceedings on disobedience to order of court for attendance at school.

9. Where an order of a court of summary jurisdiction under this Act for a child to attend a certified efficient school is not complied with, without any reasonable excuse within the meaning of this Act, a court of summary jurisdiction, on complaint made by the local authority, may, if it think fit, order as follows:

(1.) In the first case of non-compliance, if the parent of the child does not appear, or appears and fails to satisfy the court that he has used all reasonable efforts to enforce compliance with the order, the court may impose a penalty not exceeding with the costs five shillings; but if the parent satisfies the court that he has used all reason-

A.D. 1876.

able efforts as aforesaid, the court may, without inflicting a penalty, order the child to be sent to a certified day industrial school, or if it appears to the court that there is no such school suitable for the child then to a certified industrial school; and

(2.) In the second or any subsequent case of non-compliance with the order, the court may order the child to be sent to a certified day industrial school, or if it appears to the court that there is no such school suitable for the child then to a certified industrial school, and may further in its discretion inflict any such penalty as aforesaid, or it may for each such non-compliance inflict any such penalty as aforesaid without ordering the child to be sent to an industrial school;

Provided that a complaint under this section with respect to a continuing non-compliance with any such order of a court of summary jurisdiction as is mentioned in this section shall not be repeated by the local authority at any less interval than two weeks.

A child shall be sent to an industrial school in pursuance of this section in like manner as if sent in pursuance of the Industrial Schools Act, 1866, and when so sent shall be deemed to have been sent in pursuance of that Act and the Acts amending the same; and the parent, if liable under the said Acts to contribute to the maintenance and training of his child when sent to an industrial school, shall be liable so to contribute when his child is sent in pursuance of this section.

29 & 30 Vict. c. 118.

Duty of local authority as to taking proceedings under this Act or 29 & 30 Vict. c. 118.

10. Where the local authority are informed by any person of any child in their jurisdiction who is liable to be ordered by a court under this Act to attend school, or to be sent under this Act, or the Industrial Schools Act 1866 to an industrial school, it shall be the duty of the local authority to take proceedings under this Act or the Industrial Schools Act 1866 accordingly, unless the local authority think that it is inexpedient to take such proceedings.

License to child sent to industrial school to live out while attending school.

11. Where a child is sent to a certified industrial school under this Act or the Industrial Schools Act 1866 upon the complaint or representation of the local authority under this Act, the managers of such school may, if they think fit, at any time after the expiration of one month after the child is so sent give him a license under section twenty-seven of the Industrial Schools Act 1866 to live out of the school, but the license shall be conditional upon the child attending as a day scholar, in such regular manner as is specified in the

license, some school willing to receive him and named in the license, and being a certified efficient school.

Amendment as to provision of industrial school by school board.

12. The consent of one of Her Majesty's Principal Secretaries of State, and not of the Education Department, shall be required for the establishing, building, and maintaining of a certified industrial school by a school board, and to the spreading of the payment of the expense of such establishment and building over a number of years not exceeding fifty, and to the borrowing of money for that purpose; and for the purpose of such borrowing section ten of the Elementary Education Act 1873 shall be held to apply to the loan in like manner as if one of Her Majesty's Principal Secretaries of State were substituted therein for the Education Department, and such establishment and building shall be deemed to be a work for which a school board is authorised to borrow within the meaning of the first schedule to the Public Works Loans Act 1875.

Exception to prohibition of employment of children.

13. A person shall not be deemed to have taken any child into his employment contrary to the provisions of this Act, if it is proved to the satisfaction of the court having cognizance of the case either—

(1.) That during the employment there is not within two miles, measured according to the nearest road, from the residence of such child any public elementary school open which the child can attend; or

(2.) That such employment, by reason of being during the school holidays, or during the hours during which the school is not open, or otherwise, does not interfere with the efficient elementary instruction of such child, and that the child obtains such instruction by regular attendance for full time at a certified efficient school or in some other equally efficient manner; or

(3.) That the employment is within the notice of the local authority herein-after next mentioned; (that is to say,)

The local authority may, if it thinks fit, issue a notice declaring the restrictions of this Act on the employment of children above the age of eight years to be suspended, for the necessary operations of husbandry and the ingathering of crops, for the period to be named in such notice, and during such period such restrictions shall not (save as to any proceedings commenced before the date of the notice) be of any force within the jurisdiction of such local authority: Provided that the period or periods so named by any such local authority shall not exceed in the

A.D. 1876.

whole six weeks between the first day of January and the thirty-first day of December in any year.

The local authority shall cause a copy of every notice so issued to be sent to the Education Department and to the overseer of every parish within its jurisdiction, and the overseers shall cause such notice to be affixed to the door of all churches and chapels in the parish, and the local authority may further advertise any such notice in such manner (if any) as it may think fit.

Payment of school fees for poor parents. See 35 & 36 Vict. c. 62. (Scotch Education Act) s. 69.

14. The parent of any child not being resident in the district of a school board who is unable by reason of poverty to pay the ordinary fee for such child at a public elementary school, or any part of such fee, may apply to the guardians having jurisdiction in the parish in which he resides; and it shall be the duty of such guardians, if satisfied of such inability, to pay the said fee, not exceeding threepence a week, or such part thereof as he is, in the opinion of the guardians, so unable to pay.

The parent shall not by reason of any such payment made under this section be deprived of any franchise, right, or privilege, or be subject to any disability or disqualification.

Payment under this section shall not be made on condition of the child attending any public elementary school other than such as may be selected by the parent, nor refused because the child attends, or does not attend any particular public elementary school.

Day Industrial School.

Establishment, &c. of day industrial schools.

15. If a Secretary of State is satisfied that, owing to the circumstances of any class of population in any school district, an industrial school in which children are not lodged is necessary or expedient for the proper training and control of the children of such class, he may, in like manner as under "The Industrial Schools Act, 1866," certify any such industrial school in the neighbourhood of the said population to be a certified day industrial school.

Any child authorised by "The Industrial Schools Act, 1866," or by this Act, to be sent to a certified industrial school, may, if the court before whom the child is brought think it expedient, be sent to a certified day industrial school, and may during the period specified in the order be there detained during such hours as may be authorised by the rules of the school approved by the said Secretary of State.

A certified day industrial school shall be deemed to be a certified efficient school within the meaning of this Act.

In the case of a day industrial school,—

(1.) A prison authority within the meaning of "The Industrial Schools Act, 1866," and a school board shall respectively have the same powers in relation to a certified day industrial school as they have in relation to a certified industrial school; and

(2.) There may be contributed out of moneys provided by Parliament towards the custody, maintenance, and training of children sent by an order of a court to a certified day industrial school such sums not exceeding one shilling per head per week, and on such conditions as a Secretary of State from time to time recommends; and

(3.) Where a court of summary jurisdiction orders a child to be sent to a certified day industrial school, the court shall also order the parent of such child, if liable to maintain him, to contribute to his maintenance and training in the school such sum not exceeding two shillings per week as is named in the order; it shall be the duty of the local authority to obtain and enforce the said order, and every sum paid under the order shall be paid over to the local authority in aid of their expenses under this Act; if a parent is unable to pay the sum required by the said order to be paid, he shall apply to the guardians, who, if satisfied of such inability, shall give the parent sufficient money to pay the said sum, or so much thereof as they consider him unable to pay, and the money so given shall be a separate charge upon the parish as provided by this Act; and

(4.) The managers of a certified day industrial school may, upon the request of a local authority and of the parent of a child, and upon the undertaking of the parent to pay towards the maintenance and training of such child such sum, not less than one shilling a week, as a Secretary of State from time to time fixes, receive such child into the school without an order of a court; and there may be contributed out of moneys provided by Parliament in respect of that child such sum, not exceeding sixpence a week and on such conditions as a Secretary from time to time recommends.

It shall be lawful for Her Majesty from time to time, by Order in Council, to apply to a certified day industrial school the provisions of "The Industrial Schools Act, 1866," and the Acts

A.D. 1876.

amending the same, with such modifications as appear to Her Majesty to be necessary or proper for adapting such provisions to a day industrial school, and bringing them into conformity with this section; and such order may provide that a child may be punished for an offence by being sent to a certified industrial in lieu of a certified reformatory school, or may otherwise mitigate the punishment imposed by the said Act.

It shall be lawful for Her Majesty from time to time, by Order in Council, to revoke and vary any Order in Council made under this section.

Every such Order shall be laid before both Houses of Parliament within one month after it is made if Parliament be then sitting, or if not, within one month after the beginning of the then next session of Parliament, and while in force shall have effect as if it were enacted in this Act.

Conditions of contribution to day industrial schools.

16. The conditions of a parliamentary contribution to a certified day industrial school shall conform to the standards for the time being in force for the purposes of a parliamentary grant to public elementary schools; but they may vary the amounts of the contributions to be made in respect of such standards respectively.

Any conditions made by a Secretary of State for the purposes of contributions to a day industrial school shall be laid before Parliament in the same manner as minutes of the Education Department.

Contribution for fees of children who obtain certificates.

17. Where, during the first five years after the commencement of this Act, or any further period which Her Majesty may from time to time fix by Order in Council, a child, before he has attained the age of eleven years, obtains such certificate of proficiency in reading, writing, and elementary arithmetic, and also such certificate of previous due attendance at a public elementary school, as are in this Act in that behalf mentioned, the school fee payable by such child at any public elementary school in the course of the three years next after he obtains the last of such certificates, not exceeding the ordinary fee charged at such school, may be paid by the Education Department out of moneys provided by Parliament, the school fees so paid to be reckoned as school pence to be met by the grant payable by the Department.

Administrative Provisions.

Supplemental provisions as to certificates of proficiency

18. The certificates of proficiency of a child in reading, writing, and elementary arithmetic, and of the previous due attendance of a child at a certified efficient school for the purposes of this Act, shall be certificates of proficiency and previous due attendance

ascertained according to the standards set forth in the First Schedule to this Act, and such certificate shall be granted to the child entitled to the same free of cost or charge to such child, or to the parent of such child.

and previous attendance at school.

The Education Department may from time to time by order make, and when made, revoke and vary regulations with respect to certificates of age for the purposes of this Act and the persons by whom and the form in which certificates of the said proficiency and due attendance are to be granted, and with respect to other matters relating thereto, and with respect to the preservation of registers and other records of such proficiency and attendance, and such regulations shall be observed by the local authority and the managers of certified efficient schools.

Certificates of birth for purposes of Act.

19. Where the age of any child is required to be ascertained or proved for the purposes of this Act, or for any purpose connected with the elementary education or employment in labour of such child, any person on presenting a written requisition in such form and containing such particulars as may be from time to time prescribed by the Local Government Board, and on payment of a fee, shall be entitled to obtain a certified copy under the hand of the registrar or superintendent registrar of the entry in the register under the Births and Deaths Registration Acts 1836 to 1874 of the birth of the child named in the requisition.

Penalty for employing a child in contravention of Act.

20. Every person who takes a child into his employment in contravention of this Act shall be liable, on summary conviction, to a penalty not exceeding forty shillings.

Provision as to byelaws under s. 74 of the Elementary Education Act, 1870 (33 & 34 Vict. c. 75.) as extended by this Act.

21. For the purposes of this Act section seventy-four of the Elementary Education Act, 1870, and all enactments of that or any other Act referring to byelaws under that section, shall be construed as if "school board" included the authority authorised by this Act to make byelaws:

Provided that nothing in any byelaw shall authorise the authority making the same in pursuance of this Act to remit or pay any fees.

It shall be the duty of every local authority to enforce the byelaws made by that authority in pursuance of section seventy-four of the Elementary Education Act, 1870.

Failure of local authority

22. If the Education Department are satisfied, after such inquiry and such notice to any local authority as they think expedient, that

A.D. 1876.

such authority have failed to fulfil their duty under this Act, the Education Department (without prejudice to any other remedy)—

to perform their duty under this Act. 33 & 34 Vict. c. 75. s. 63. See Public Health Act (38 & 39 Vict. c. 55.), s. 299.

(*a.*) If the authority are a school board, may proceed as if such board were a school board in default within the meaning of the Elementary Education Act, 1870; and,

(*b.*) If the authority are not a school board, may by order appoint any persons for a specified period not exceeding two years to perform the duty of the defaulting school attendance committee under this Act, and from time to time change such persons.

During the said specified period the persons so appointed shall perform the duty of the defaulting school attendance committee under this Act, to the exclusion of that committee, and shall in the performance and for the purposes of such duty be invested with all the powers of the school attendance committee, but shall not be subject to any control on the part of the council or guardians who appointed the defaulting committee; but after the expiration of such period a school attendance committee shall forthwith be appointed by the council or guardians as the case may require, and shall resume the duty of the local authority under this Act, subject nevertheless to any further proceeding under this section in the case of a new default.

All expenses incurred by persons appointed under this section by the Education Department to act in lieu of a defaulting school attendance committee, including a reasonable remuneration to such persons, shall, to the amount certified by the Education Department to be due, be a debt to Her Majesty from the council or guardians by whom the defaulting committee were appointed, and may be recovered accordingly; and the certificate of the Education Department shall be conclusive evidence that the sum named in the certificate is due under this section.

The Education Department shall annually report to Parliament the cases in which any proceedings have been taken by them in pursuance of this section.

Provision as to requisition of parish.

23. The requisition of a parish to a school attendance committee for the purposes of this Act, if made, shall be made by a resolution passed by the same persons, and in the same manner, and subject to the same regulations of the Education Department, as a resolution for an application to the Education Department for a school board.

The requisition may be accompanied by representations, made by a resolution passed in like manner, as to the nature of the byelaws

desired by the parish, and in making and approving the byelaws the school attendance committee and the Education Department shall consider and have due regard to such representations.

Officers of local authority.

24. Every local authority, but subject in the case of a school attendance committee to the approval herein-after mentioned, shall direct one or more of their officers, or the officers of the council or guardians by whom the committee are appointed, to act in the execution of this Act, and of any byelaws made by such authority, and may, if they think fit, pay him or them for so doing, and may, if need be, appoint and pay officers for the purpose.

Dissolution of school board under certain circumstances.

25. Where application for the dissolution of a school board is made to the Education Department by the like persons and in the like manner as an application for the formation of a school board, under section twelve of "The Elementary Education Act, 1870," nevertheless by a majority of not less than two thirds of those who shall vote upon the occasion, and the Education Department are satisfied that no school and no site for a school is in the possession or under the control of the school board, and that there is a sufficient amount of public school accommodation for the district of the school board, and where no requisition has been sent by the Education Department to such school board under section ten of "The Elementary Education Act, 1870," requiring them to supply public school accommodation, it shall be their duty to take the circumstances of the case into consideration, and if they shall be of opinion that the maintenance of a school board is not required for the purposes of education in the district, it shall be lawful for the Education Department, after such notice as they think sufficient, to order the dissolution of the school board: Provided always, that no application shall be made for the dissolution of a school board except within three months before the expiration of the period for which the school board has been elected, and no order for the dissolution of such school board shall take effect until after the expiration of such period.

The Education Department by any such order shall make provision for the disposal of all money, furniture, books, documents, and property belonging to the school board, and for the discharge out of the local rate of all the liabilities of the board, and such other provisions as appear to the Department necessary or proper for carrying into effect the dissolution of the board.

The Education Department shall publish the order in manner directed by "The Elementary Education Act, 1873," with respect to the publication of notices, and after the date of such publication,

A.D. 1876.

or any later date mentioned in the order, the order shall have effect as if it were enacted by Parliament, without prejudice nevertheless to the subsequent formation of a school board in the same school district; all byelaws previously made by the school board shall continue in force, subject nevertheless to be revoked or altered by the local authority under this Act: Provided, that if after the dissolution of a school board in any school district the Education Department are of opinion that there is not a sufficient amount of public school accommodation in such school district, they may cause a school board to be formed for such school district, and send a requisition to such school board in the same manner in all respects as if they had published a final notice under "The Elementary Education Act, 1870."

The Education Department shall in each case where it shall assent to the dissolution of a school board lay before both Houses of Parliament a statement of its reasons for giving such assent.

Provision as to powers and expenses of school board.

26. The powers and expenses of a school board under this Act shall be deemed to be powers and expenses of that board under the Elementary Education Act, 1870, and the provisions of that Act and any Act amending the same shall apply thereto accordingly.

Expenses of local authority other than school board.

27. A school attendance committee under this Act shall not incur any expense, or appoint, employ, or pay any officer without the consent of the council or guardians by whom the committee were appointed, and where they are appointed by guardians, also of the Local Government Board, but with such consent may employ and pay any officer of such council or guardians. The expenses (if any) of a school attendance committee under this Act shall be paid,—

(1.) Where the committee is appointed by a council, out of the borough fund or borough rate; and,

(2.) Where the committee is appointed by a board of guardians, out of a fund to be raised out of the poor rate of the parishes in which the committee act for the purposes of this Act, according to the rateable value of each parish:

For the purpose of obtaining payment of such expenses, the board of guardians shall have the same powers as they have for the purpose of obtaining contributions to their common fund under the Acts relating to the relief of the poor.

Provisions as to school attendance committee

28. Subject to the provisions of this Act the council or guardians may from time to time add to or diminish the number of members of a school attendance committee appointed by them.

A.D. 1876.

A school attendance committee appointed by guardians shall act for every parish in the union which is not under a school board.

and appointment of local committee.

A school attendance committee may, if they think fit, appoint different local committees for different parishes or other areas in their district for the purpose of giving the school attendance committee such aid and information in the execution of this Act as may be required by the committee appointing them, but any such local committee shall not have power to make any byelaws or take any proceeding before a court of summary jurisdiction under this Act.

A local committee may consist of not less than three persons, being, as the school attendance committee appointing them think fit, either wholly members of such committee or partly such members and partly other persons.

The provisions contained in the Second Schedule to this Act shall apply to every school attendance committee and local committee appointed under this Act.

Power to authorise appointment of school attendance committee by urban sanitary authority.

29. On the application of the urban sanitary authority of an urban sanitary district which is not a borough, and which is co-extensive with any parish or parishes not within the jurisdiction of a school board, containing according to the last published census for the time being a population of not less than five thousand, the Education Department may by order authorise the sanitary authority of that district to appoint, and thereupon such authority may appoint, a school attendance committee as if they were the council of a borough, and that committee, to the exclusion of the school attendance committee appointed by the guardians, shall enforce the provisions of this Act in the sanitary district, and be in that district the local authority for the purposes of this Act, and on the requisition of the parish but not otherwise shall make byelaws as such local authority, and all the provisions of this Act shall, save as before provided with respect to the making of byelaws, apply accordingly as if the sanitary authority were the council of a borough.

Provided, that the expenses (if any) of a school attendance committee appointed by an urban sanitary authority shall be paid out of a fund to be raised out of the poor rate of the parish or parishes comprised in such district, according to the rateable value of each parish, and the urban sanitary authority shall, for the purpose of obtaining payment of such expenses, have the same power as a board of guardians have for the purpose of obtaining contributions to their

A.D. 1876.

common fund under the Acts relating to the relief of the poor, and the accounts of such expenses shall be audited as the accounts of other expenses of the sanitary authority.

Any byelaws in force in an urban sanitary district, or any part thereof, before the appointment of a school attendance committee by the sanitary authority of such district shall continue in force, subject nevertheless to be revoked or altered by the school attendance committee of the sanitary authority.

Where an urban sanitary district is not a borough, and not wholly within the jurisdiction of a school board, and is not within the foregoing provisions of this section, the urban sanitary authority of that district may from time to time appoint such number as the Education Department allow, not exceeding three, of their own members to be members of the school attendance committee for the union in which the district or such part thereof not within the jurisdiction of a school board is situate, and such members, so long as they are members of the sanitary authority, and their appointment is not revoked by that authority, shall be members of the school attendance committee, and have the same powers and authorities as if they had been appointed by the guardians.

Where a school board is appointed after the commencement of this Act for any parish which forms or comprises the whole or part of an urban sanitary district in which the school attendance committee is appointed by the urban sanitary authority, such school attendance committee shall, at the expiration of two months after the election of the school board, cease to act for the urban sanitary district, and the school attendance committee appointed by the guardians shall be the local authority for so much of the urban sanitary district as is not under the school board.

All byelaws in force at the expiration of the said two months shall continue in force, subject to being revoked or altered by the local authority, in pursuance of section seventy-four of "The "Elementary Education Act, 1870," as amended by this Act.

Provision of offices by school board with consent of Education Department.

30. Where a school board satisfy the Education Department that, having regard to the large population of the district of such board, it is necessary or proper that the board should provide an office, the Education Department may authorise the board to provide an office, and the board shall for that purpose have the same power as they have under the Elementary Education Acts, 1870 to 1873, for the purpose of providing sufficient school accommodation for their district, including the power of borrowing money under section ten of the Elementary Education Act, 1873, and the provision of

such office shall be deemed to be a work for which a school board is authorised to borrow within the meaning of the Public Works Loans Act, 1875.

Clerk of guardians, and application of Acts to guardians.

31. In a union the clerk of the guardians shall be the clerk of the school attendance committee for the purposes of this Act.

All enactments relating to guardians and their officers and expenses, and to relief given by guardians, shall, subject to the express provisions of this Act, apply as if the guardians, including the school attendance committee appointed by them, and their officers acting under this Act, and expenses incurred, and money paid for school fees under this Act, were respectively acting, incurred, and paid, under the Acts relating to the relief of the poor, and the Local Government Board may make rules, orders, and regulations accordingly.

Returns by local authority (although not a school board).

32. The local authority under this Act (although not a school board) shall send to the Education Department such returns and information respecting their proceedings under this Act, and respecting matters on which school boards can be required under "The Elementary Education Act, 1870," to make returns, as the Education Department from time to time require.

Employment and education of children in factories, &c.

33. Whereas by sections fourteen and fifteen of the Workshop Regulation Act of 1867 provision is made respecting the education of children employed in workshops, and it is expedient to substitute for the said sections the provisions respecting education of the Factory Acts of 1844 and 1874: Be it therefore enacted, that sections thirty-one, thirty-eight, and thirty-nine of the Factory Act of 1844, and sections twelve and fifteen of the Factory Act of 1874, shall apply to the employment and education of all children employed in factories and workshops.

Effect of subsequent appointment of school board.

34. Where a school board is appointed after the commencement of this Act for any school district the authority acting at the time of such appointment as the local authority under this Act shall continue so to act until the expiration of two months after the election of such board, and shall then cease so to act for such district; nevertheless, all byelaws previously made by the local authority shall continue in force, subject to being revoked or altered in respect of that district by the school board in pursuance of section seventy-four of the Elementary Education Act, 1870.

Legal Proceedings.

Application of 36 & 37 Vict.

35. Sections twenty-three, twenty-four, and twenty-five of the Elementary Education Act, 1873 (which provisions relate to legal

A.D. 1876.

c. 86. ss. 23–4, to penalties, &c.

proceedings, and the forgery of certificates), shall so far as applicable apply in the case of offences and penalties under this Act, and proceedings for such offences and penalties and of certificates for the purposes of this Act, in like manner as if those sections were enacted in this Act and in terms made applicable thereto. And every person who shall fraudulently obtain or enable or procure any other person to obtain from any school board or local authority payment, or remission of payment, or an order for payment, or remission of payment of any school fees, shall be liable on summary conviction to imprisonment for a period not exceeding fourteen days.

An order which a court of summary jurisdiction have authority to make in pursuance of this Act may be made in manner provided by the Summary Jurisdiction Acts.

Exemption of employer on proof of guilt of some other person. See Factory Act, 7 & 8 Vict. c. 15. s. 41.

36. Where the offence of taking a child into employment in contravention of this Act is in fact committed by an agent or workman of the employer, such agent or workman shall be liable to a penalty as if he were the employer.

Where a child is taken into employment in contravention of this Act on the production by or with the privity of the parent of a false or forged certificate, or on the false representation of his parent that the child is of an age at which such employment is not in contravention of this Act, that parent shall be liable to a penalty not exceeding forty shillings.

Where an employer charged with taking a child into his employment in contravention of this Act proves that he has used due diligence to enforce the observance of this Act, and either that some agent or workman of his employed the child without his knowledge or consent, or that the child was employed either on the production of a forged or false certificate and under the belief in good faith in the genuineness and truth of such certificate, or on the representation by his parent that the child was of an age at which his employment would not be in contravention of this Act and under the belief in good faith in such representation, the employer shall be exempt from any penalty.

Where an employer satisfies the local authority, inspector, or other person about to institute a prosecution that he is exempt under this section by reason of some agent, workman, or parent being guilty, and gives all facilities in his power for proceeding against and convicting such agent, workman, or parent, such authority, inspector, or person shall institute proceedings against such agent, workman, or parent, and not against the employer.

Miscellaneous. A.D. 1876.

Adaptation of 36 & 37 Vict. c. 86. s. 3. respecting pauper children to this Act.

37. Whereas by section three of the Elementary Education Act, 1873, provision is made respecting the payment by guardians of the fees of pauper children, and with the view to adapt the said section to the provisions of this Act it is expedient to substitute for the said section the enactment following: Be it therefore enacted as follows:—

Where relief out of the workhouse is given by the guardians or their order, by way of weekly or other continuing allowance to the parent of any child above the age of five years who for the time being either is prohibited by this Act from being taken into employment, or is required by any byelaw under section seventy-four of the Elementary Education Act, 1870, as amended by this Act, to attend school, or to any such child, it shall be a condition for the continuance of such relief that elementary education in reading, writing, and arithmetic shall be provided for such child, and the guardians shall give such further relief (if any) as may be necessary for that purpose.

Any such relief to a parent as above mentioned shall not be granted on condition of the child attending any public elementary school other than such as may be selected by the parent, nor refused because the child attends or does not attend any particular public elementary school.

The guardians shall not have power under this section to give any relief to a parent in order to enable such parent to pay more than the ordinary fee payable at the school which he selects, or more than the fee which under this Act they can enable a parent to pay in any other case.

All relief given by guardians under this section shall be deemed to be relief within the meaning of the Acts relating to the relief of the poor, and shall be paid out of their common fund, and where given by the guardians of any union in the metropolis as defined by the Metropolitan Poor Act, 1867, shall be deemed to be expenses payable from the Metropolitan Common Poor Fund within the meaning of section sixty-nine of that Act, and shall be repaid to such guardians accordingly.

Amendment of 33 & 34 Vict. c. 75. as to elections to fill casual vacancies in school board.

38. From and after the passing of this Act the Elementary Education Act, 1870, shall be construed as if there were substituted for the rule numbered fifteen in the first part of the second schedule to that Act, which is repealed by this Act, the rule in the third schedule to this Act; and any reference to the said second schedule or the first part thereof shall be construed to

A.D. 1876.

refer to the same with the rule so substituted, but the said substitution shall not affect anything done before the passing of this Act.

Application of 33 & 34 Vict. c. 75. ss. 83. 84, to orders and documents of Education Department.

39. The provisions of the Elementary Education Act, 1870, with respect to orders and documents of the Education Department, shall apply to all orders and documents of the Education Department under this Act.

Effect of schedules.

40. The schedules to this Act shall have effect as if they were enacted in the body of this Act.

Definition of employment in case of parent.

Compare Workshop Act, 30 & 31 Vict. c. 146. s. 4.

41. A parent of a child who employs such child in any labour exercised by way of trade or for the purposes of gain, shall be deemed for the purposes of this Act to take such child into his employment.

General definitions. 33 & 34 Vict. c. 75. 36 & 37 Vict. c. 86.

42. A child in this Act means a child between the ages of five and fourteen years.

Terms in this Act shall, so far as is consistent with the tenor thereof, have the same meaning as in The Elementary Education Acts, 1870 and 1873.

The term "certified efficient school" in this Act means a public elementary school, and also any elementary school which is not conducted for private profit, and is open at all reasonable times to the inspection of Her Majesty's Inspectors, and requires the like attendance from its scholars as is required in a public elementary school, and keeps such registers of those attendances as may be for the time being required by the Education Department, and is certified by the Education Department to be an efficient school.

Provision as to part of a parish.

43. A part of a parish which by or in pursuance of The Elementary Education Acts, 1870 and 1873, is constituted a separate school district shall be deemed to be a separate school district and so far as necessary a separate parish by itself for the purposes of this Act, and the provisions of those Acts respecting such part of a parish shall apply, and for the purposes of those Acts and this Act the overseers of the entire parish shall be deemed to be the overseers of such part of a parish, and a rate in the nature of a poor rate may be levied therein by such overseers either as a separate rate or as an addition to the poor rate, and shall be deemed to be the local rate; and the guardians shall for the purposes of this Act have the like power of obtaining payment of a contribution from the said part of a parish as they have of obtaining a contribution from the whole parish.

A.D. 1876.

Construction of this Act with other enactments.

44. Where any act, neglect, or default is punishable under this Act and also under any other enactment, or any byelaw made by a school board or other local authority for the time being in force, proceedings may be instituted in respect of such act, neglect, or default under this Act or such other enactment or byelaw, in the discretion of the authority or person instituting the proceedings, so that proceedings under one enactment or byelaw only be instituted in respect of the same act, neglect, or default; and any byelaw made either before or after the commencement of this Act, by any school board or other local authority under section seventy-four of the Elementary Education Act, 1870, if otherwise valid, shall not be rendered invalid by reason that it is more stringent than the provisions of this Act; and nothing in this Act shall prejudice the effect of or derogate from any provision relating to the employment of children contained in any previous Act of Parliament which may be more stringent in its provisions than this Act.

Temporary modification as to application of Act, and saving for children in employment at passing of Act.

45. The provisions of this Act with respect to taking children into employment,

(1.) Shall, during twelve months after the commencement of this Act apply to children of the age of nine years and upwards as if they were of the age of ten years and upwards; and

(2.) Shall not apply to any child who has attained the age of eleven years before the commencement of this Act.

A child lawfully employed at the passing of this Act may continue to be employed or may obtain fresh employment at another place in like manner as if this Act had not passed.

Repeal of Acts.

46. The Acts mentioned in the fourth schedule to this Act are hereby repealed as from the commencement of this Act, to the extent in the third column of that schedule mentioned.

The repeal of any enactment by this Act shall not affect anything previously done or suffered in pursuance of that enactment, and every offence against that enactment may be prosecuted, and any penalty thereunder recovered, in like manner as if this Act had not passed.

Amendment of 33 & 34 Vict. c. 75. s. 97, as to conditions of annual parliamentary grant.

47. So much of section ninety-seven of "The Elementary Education Act, 1870," as enacts that the conditions required to be fulfilled by an elementary school in order to obtain the annual parliamentary grant shall provide that the grant shall not for any year exceed the income of the school for that year which was derived from voluntary contributions and from school fees, and from any sources other than

A.D. 1876.

the parliamentary grant, shall be repealed as from the thirty-first day of March one thousand eight hundred and seventy-seven.

After the thirty-first day of March one thousand eight hundred and seventy-seven the conditions required to be fulfilled by an elementary school in order to obtain the annual parliamentary grant shall provide that—

(1.) Such grant shall not in any year be reduced by reason of its excess above the income of the school if the grant do not exceed the amount of seventeen shillings and sixpence per child in average attendance at the school during that year, but shall not exceed that amount per child, except by the same sum by which the income of the school, derived from voluntary contributions, rates, school fees, endowments, and any source whatever other than the parliamentary grant exceeds the said amount per child; and

(2.) Where the population of the school district in which the school is situate, or the population within two miles, measured according to the nearest road, from the school is less than three hundred, and there is no other public elementary school recognised by the Education Department as available for the children of that district, or that population (as the case may be), a special parliamentary grant may be made annually to that school to the amount, if the said population exceeds two hundred, of ten pounds, and, if it does not exceed two hundred, of fifteen pounds; and

(3.) The said special grant shall be in addition to the ordinary, annual parliamentary grant, and shall not be included in the calculation of that grant for the purpose of determining whether it does or not exceed the amount before in this section mentioned.

The conditions of a parliamentary grant to include application of incomes to purposes of public elementary school only.

48. The conditions required to be fulfilled by schools in order to obtain annual parliamentary grants shall provide that the income of the schools shall be applied only for the purpose of public elementary schools.

SCHEDULES.

FIRST SCHEDULE.

STANDARDS OF PROFICIENCY IN READING, WRITING, AND ELEMENTARY ARITHMETIC AND PREVIOUS DUE ATTENDANCE AT SCHOOL.

For the purpose of Employment.

(1.) The standard of proficiency in reading, writing, and elementary arithmetic for the purpose of a certificate under this Act enabling a child to be employed shall be—

(*a.*) The standard of reading, writing, and elementary arithmetic fixed by standard four of the Code of 1876; or

(*b.*) Where the employment into which a child is taken is such that the child while employed will attend school half time in accordance either with any Act for the time being in force for regulating the education of children employed in labour, or with any byelaw, the standard of reading, writing, and elementary arithmetic fixed by standard three of the Code of 1876:

(2.) The standard of previous due attendance at a certified efficient school for the purpose of a certificate under this Act enabling a child to be employed shall be two hundred and fifty attendances after five years of age in not more than two schools during each year for five years, whether consecutive or not:

(3.) During the four years next after the commencement of this Act the standards for the purpose of enabling a child to be employed shall, instead of the foregoing standards, be those shown in the following table:

During the Year	The Standard of Proficiency shall be the Standard of Reading, Writing, and Arithmetic, fixed by the following Standard of the Code of 1876, namely,—		The Standard of previous due Attendance shall be	
	Ordinarily.	For Half-time Children.	The following Number of Attendances.	In not more than Two Schools during each year for the following Number of Years, whether consecutive or not.
1877	Second -	First -	250	Two.
1878	Second -	First -	250	Two.
1879	Third -	Second -	250	Three.
1880	Third -	Second -	250	Four.

Provided that in the case of a school district being a municipal borough in which for not less than three years before the com-

A.D. 1876.

mencement of this Act byelaws have been in force requiring, as a condition of total or partial exemption of a child from attendance at school, that such child must have passed a standard of proficiency corresponding to the fourth standard of the Code of 1876 or any higher standard, the same or a corresponding standard of proficiency (but not exceeding the standard which, under this schedule, will be required after four years from the commencement of this Act) shall be required for the purpose of a certificate under this Act enabling a child to be employed.

Provided that where a child has been lawfully taken into employment, otherwise than as a half-time child, in any year in consequence of having obtained a certificate in accordance with the above table, such child may in any subsequent year be taken into employment without any further certificate, notwithstanding that under the Table a certificate requiring a higher standard is required for that year.

For the purpose of the Payment of Fees.

(4.) The standard of proficiency in reading, writing, and elementary arithmetic for the purpose of a certificate under this Act, with a view to allow of the payment of fees by the Education Department, shall be the standard of reading, writing, and elementary arithmetic fixed by standard four of the Code of 1876 or such higher standard as may be from time to time fixed by the Education Department:

(5.) The standard of previous due attendance at a public elementary school for the purpose of a certificate under this Act with a view to allow of the payment of fees by the Education Department, shall be three hundred and fifty attendances after five years of age in not more than two schools during each year for five years, or such larger number of attendances as may be for the time being fixed by the Education Department:

(6.) Provided that in each of the four years next after the commencement of this Act the standard of previous due attendance shall, in lieu of the foregoing standard, be that shown in the following table:

During the Year.	The Standard of previous due Attendance shall be	
	The following Number of Attendances.	In not more than Two Schools during each year for the following Number of Years.
1877	250	Two.
1878	250	Two.
1879	250	Three.
1880	250	Four.

A.D. 1876.

The Education Department may from time to time by order make such regulations and conditions in relation to the payment of fees under this Act by that Department as they may think expedient.

The order shall provide that not more than ten per cent. of the children presented for examination in a public elementary school shall obtain in the same year certificates entitling them to the payment of fees, and that if the children qualified to obtain such certificates exceed the said per-centage, those children who have attended the greatest number of times shall have the preference.

The order may make the continuance of the payment dependent upon the fulfilment of conditions, and shall provide that the continuance of the payment shall be conditional upon the child attending the school for not less than three hundred and fifty attendances in each year, and obtaining at the end of each year a certificate of proficiency in reading, writing, and elementary arithmetic according to a standard higher than the standard according to which it obtained the previous certificate.

The order shall further provide that the school, by previous due attendance at which the child was qualified for obtaining the payment of fees, and the school, the fees at which are paid by the Education Department, shall be a school, or department of a school, at which the ordinary payment in respect of the instruction of each scholar does not exceed sixpence.

Miscellaneous.

(7.) Attendance for the purpose of this schedule means an attendance as defined by the Code of 1876, and where the attendance is at a certified industrial or certified day industrial school includes such attendance as may be from time to time directed for the purpose by a Secretary of State, and where the attendance is at a workhouse school includes such attendance as may be from time to time directed for the purpose by the Local Government Board.

(8.) The Code of 1876 in this schedule means the Code of the Minutes of the Education Department made in the year one thousand eight hundred and seventy-six with respect to the Parliamentary grant to public elementary schools.

A.D. 1876.

SECOND SCHEDULE.

Rules as to a Local Committee.

(1.) Subject to the provisions of this Act, the school attendance committee may from time to time add to or diminish the number of members, or change the members of any local committee appointed by them, or may dissolve any such committee.

(2.) A local committee shall, unless the school attendance committee appointing them otherwise direct, continue in office until the first meeting of that committee after the next annual appointment thereof, and thereafter until a new local committee is appointed.

Rules as to School Attendance Committee and Local Committee.

(3.) Subject to any regulations made in the case of a school attendance committee by the council or guardians appointing it, and in the case of a local committee by the school attendance committee appointing it, the provisions of the third schedule of "The Elementary Education Act, 1870," with reference to proceedings of managers appointed by a school board, shall apply to the proceedings of a school attendance committee and a local committee under this Act.

(4.) A school attendance committee shall continue in office until the first meeting of the council or guardians appointing it after the next annual election of councillors and guardians, and thereafter until the new committee is appointed.

(5.) A committee appointed by guardians shall be appointed at the first meeting after the annual election of guardians, or some other meeting fixed with the approval of the Local Government Board for the purpose.

THIRD SCHEDULE.

Rule as to Election of School Board.

If any casual vacancy in the office of a member of a school board occurs by death, resignation, disqualification, or otherwise, such vacancy may be filled by the remaining members of the school board, if a quorum at a special meeting of the board called for the purpose.

FOURTH SCHEDULE.

Acts Repealed.

Session and Chapter.	Short Title.	Extent of Repeal.
30 & 31 Vict. c. 146. -	The Workshop Regulation Act, 1867.	Sections 14 and 15.
33 & 34 Vict. c. 75. -	The Elementary Education Act, 1870.	The rule numbered fifteen in the first part of the second schedule, and the rule numbered six in the third part of the second schedule.
36 & 37 Vict. c. 67. -	The Agricultural Children Act, 1873.	The whole Act.
36 & 37 Vict. c. 86. -	The Elementary Education Act, 1873.	Section three.
37 & 38 Vict. c. 88. -	The Births and Deaths Registration Act, 1874.	Section twenty-nine.

Elementary Education.

A

B I L L

[AS AMENDED IN COMMITTEE]

To make further provision for Elementary Education.

(Prepared and brought in by Viscount Sandon, Mr. Chancellor of the Exchequer, and Mr. Secretary Cross.)

Ordered, by The House of Commons, *to be Printed,* 29 *July* 1876.

[Bill 277.]

Under 4 *oz.*

LORDS AMENDMENTS

TO THE

ELEMENTARY EDUCATION BILL.

Note.—*The page and line refer to the Bill* (204.) *as first printed by the Lords.*

Page 1.

Line 12, after ("not") insert ("save as otherwise expressly "provided")

Line 12, after ("to") insert ("Scotland or")

Line 13, after ("shall") insert ("save as otherwise expressly "provided")

After line 15 insert ("Part I.")

Page 2.

Line 11, leave out ("amendment")

After clause 5 take in clause 24.

Line 38, after ("children") insert ("but it shall be the duty "of the local authority to assist the said inspectors and "sub-inspectors in the performance of their duty by infor- "mation and otherwise")

Page 3.

Line 3, leave out from ("provisions") to the end of the clause.

Transpose clause 7 to follow clause 20.

Line 15, } leave out ("of")
Line 18, }

Line 19, } leave out the second ("of")
Line 20, }

Line 23, leave out ("workshops") and insert ("workshop")

Page 4.

Line 14, leave out ("overseer") and insert ("overseers")

Line 38, after ("into") insert ("full time")

[Bill 295.]

Page 5.

Line 10, after ("expedient") insert ("and the child shall "attend that school every time that the school is open, or "in such other regular manner as is specified in the order")

Page 6.

Line 6, after ("school") insert ("or certified day industrial "school")

Page 9.

Line 34, after ("Department") insert ("relating to the annual "parliamentary grant")

Page 11.

After clause 20 take in clauses 7, 27, and 25, with new heading ("*Byelaws*")

Line 30, after ("Department") insert ("relating to the annual "parliamentary grant")

Line 36, leave out ("a") and insert ("such")

Page 12.

Line 2, Line 5, Line 6, leave out ("school board") and insert ("local "authority")

Line 9, leave out ("school board") and insert ("local "authority"), and leave out ("out of the school fund") and insert ("as part of their expenses under this Act")

Transpose clause 24 to follow clause 5.

Transpose clause 25 to follow clause 20 (after clause 27).

Page 13.

Line 11, leave out ("a reasonable remuneration") and insert ("such remuneration, if any, as the Education Department "may assign")

Transpose clause 27 to follow clause 20.

Page 14.

Transpose clause 30 to follow clause 42.

Line 35, leave out ("the")

Page 15.

Line 40, leave out from ("poor") to the end of the clause [re-inserted as Clause (A.) after clause 36].

Page 16.

Line 41, leave out ("such district") and insert ("the district "of such authority")

Page 17.

Line 20, leave out ("such") and insert ("the")

Transpose clause 35 to follow clause 42.

Page 18.

After clause 36, insert Clause (A.) [transposed from clause 32]: CLAUSE (A.) Charge to parish of money for school fees.

Money given under this Act for the payment of school fees for any child of a parent who is not a pauper and is resident in any parish shall be charged by the guardians having jurisdiction in such parish to that parish with other parochial charges.

Transpose clause 37 to follow clause 42.

Page 20.

Line 22, after ("into") insert ("full time")

Page 21.

After clause 42 take in clauses 30, 35, 37.

Line 32, after ("board") insert ("and any public or state-
" aided elementary school in Scotland, and any national
" school in Ireland")

Page 22.

Lines 6 to 9, leave out the last paragraph of clause 47.

Page 23.

Line 12, leave out from the beginning of the clause to ("Acts") in line 13 and insert ("The")

Line 20, after ("recovered") insert ("and any remedy or legal
" proceeding for anything done in pursuance of that enact-
" ment may be had and carried on")

Line 24, leave out from ("effect") to ("shall") in line 30 and insert ("the provisions of this Act with respect to the
" conditions to be fulfilled by schools in order to obtain an
" annual parliamentary grant")

Page 24.

Line 11, after ("1876") insert ("or any higher standard")

Line 25, after ("1876") insert ("or any higher standard")

Line 30, leave out ("ordinarily")

Page 25.

Line 10, leave out ("otherwise than as a half-time child")

Line 23, after ("Department") insert ("and shall include any
" standard higher than the one fixed by this rule, or than
" the one for the time being fixed by the Education Depart-
" ment")

Page 26.

Line 28, leave out (" certified industrial or ")

Line 36, after (" schools ") insert (" in England, and in the " case of a school in Scotland means the code of the " minutes of the Scotch Education Department made in " the year one thousand eight hundred and seventy-six, " with respect to the parliamentary grant to elementary " schools ")

Page 27.

Line 20, after (" Act ") insert (" as if the body appointing the " committee were a school board ")

Page 28.

Line 6, after (" twenty-five ") insert (" so much of section " seventy-four, and of any byelaw made thereunder as is " affected by the repeal of section twenty-five and ")

LORDS AMENDMENTS

TO THE

ELEMENTARY EDUCATION BILL.

Ordered, by The House of Commons, *to be Printed,* 12 *August* 1876.

[Bill 295.]

Under 1 *oz.*

A

B I L L

TO

Amend the Elementary Education Act, 1870, by making obligatory in England and Wales the attendance of children at School and the formation of School Boards. A.D. 1876.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Construction and Short Titles.

Acts to be read as one, and mode of citing Acts.

1. This Act shall be construed as one Act with the Elementary Education Act, 1870 (in this Act referred to as the principal Act), and with the Elementary Education Act, 1873 (which two Acts are in this Act referred to as the former Acts); and the expression "this Act" in either of the former Acts shall include the present Act; and this Act may be cited as the Elementary Education Act, 1875; and this Act and the former Acts may be cited together as the Elementary Education Acts, 1870 to 1875.

School Boards.

School board to be formed for every school district.

2. For every school district where a school board has not been formed before the passing of this Act, or is not formed within six months after the passing of this Act, the Education Department shall, on the expiration of that period of *six months*, cause a school board to be formed.

Nothing in this Act shall affect the powers of the Education Department under the former Acts in relation to the formation of united school districts.

Attendance at School.

Every school board to have

3. Every school board shall, subject and according to the restrictions and provisions of section seventy-four of the principal Act,

A.D. 1876.

byelaws requiring attendance at school.

make byelaws requiring parents of children to cause them to attend school, and determining the time of attendance, and imposing penalties for breach thereof, and shall submit the same for the approval of the Education Department.

If a school board formed before the passing of this Act, and not having at the passing of this Act byelaws in force for the purposes aforesaid, do not within three months after the passing of this Act, and if a school board formed after the passing of this Act do not within three months after its formation, make and submit for approval byelaws for the purposes aforesaid, the board shall be deemed to be in default, and the Education Department may proceed accordingly.

Byelaws of a school board revoking or altering byelaws made by that board for the purposes aforesaid, shall not have effect unless and until some new or altered byelaws of that board for the purposes aforesaid have come into operation.

Act (1870) Amendment.

A

B I L L

To amend the Elementary Education Act, 1870, by making obligatory in England and Wales the attendance of Children at School and the formation of School Boards.

(*Prepared and brought in by Mr. Dixon, Mr. Mundella, Sir John Lubbock, and Mr. Trevelyan.*)

Ordered, by The House of Commons, *to be Printed*, 9 *February* 1876.

[Bill 14.]

Under 1 *oz.*

A

B I L L

TO

Amend the Elementary Education Act, 1870, in respect of the period which must elapse between the rejection and renewal of a Resolution for application for a School Board. A.D. 1876.

WHEREAS by Schedule 2, Part 2, of the Elementary Education Act, 1870, it is provided as follows: "If a "resolution for application for a school board is rejected, the "resolution shall not be again proposed until the lapse of twelve "months from the date of such rejection;" and it is expedient to extend the said period of twelve months to three years:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. "Three years" shall be substituted for "twelve months" in the above-mentioned part of the said schedule. Three years to be substituted for twelve months.

Elementary Education (Application for School Board).

A

B I L L

To amend the Elementary Education Act, 1870, in respect of the period which must elapse between the rejection and renewal of a Resolution for application for a School Board.

(*Prepared and brought in by Mr. Heygate, Mr. Pell, Mr. W. Stanhope, and Mr. Sampson Lloyd.*)

Ordered, by The House of Commons, *to be Printed,* 9 *February* 1876.

[Bill 16.]

Under 1 *oz.*

A

B I L L

INTITULED

An Act to confirm a Provisional Order made by the Education Department under "The Elementary Education Act, 1870," to enable the School Board for Cardiff to put in force "The Lands Clauses Consolidation Act, 1845," and the Acts amending the same. A.D. 1876.

WHEREAS the Lords of the Committee of the Privy Council on Education have made a Provisional Order under the authority of the Elementary Education Act, 1870, on behalf of the School Board for Cardiff, and it is requisite that the same should be confirmed by Parliament:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. The following Order shall be and is hereby confirmed, and from and after the passing of this Act shall have full validity and force. Confirmation of Order.

2. This Act may be cited as the Education Department Provisional Order Confirmation (Cardiff) Act, 1876. Short title.

A.D. 1876.

THE SCHOOL BOARD FOR CARDIFF, COUNTY OF GLAMORGAN.

Provisional Order for putting in force the Lands Clauses Consolidation Act, 1845.

At the Council Chamber, the 23rd day of June 1876.

Whereas the School Board for the borough of Cardiff, in the county of Glamorgan, require to purchase certain land and hereditaments for the purposes of the Elementary Education Act, 1870, and, not having been able to purchase the same by agreement, require to put in force the provisions of the Lands Clauses Consolidation Act, 1845, and the Acts amending the same, which apply to the purchase and taking of lands otherwise than by agreement:

And whereas the land and hereditaments so required to be purchased are set forth in the schedule hereunder written:

And whereas the said Board have made due publication of the notices, and have duly served the same, according to the requirements of the Elementary Education Act, 1870, and have presented a petition to the Education Department, praying that an Order may be made authorising the said School Board to put in force the powers of the said Acts with respect to the purchase and taking of lands otherwise than by agreement, in which petition were stated all the matters required by the said Elementary Education Act to be stated therein, and the same hath been supported by such evidence as the said Education Department required:

And whereas the said Department, having considered the said petition and the proofs of the publication and service of the proper notices, have thought fit to proceed with the case, and have caused inquiry to be made in the district of the said Board wherein the said land and hereditaments are situate as to the propriety of the proposed Order:

Now, therefore, the said Department, having received a report after such inquiry, and having duly considered the same, do hereby declare that it is proper, and do hereby order accordingly, that the said Board be authorised to put in force, with reference to the land and hereditaments set forth in the schedule hereunder written, the powers of the said Acts for the purchase and taking of lands otherwise than by agreement or any of them.

Signed this 23rd day of June 1876.

F. R. Sandford,
Secretary.

Schedule to the foregoing Order.

Five dwelling-houses and premises, Nos. 13, 14, 15, 16, 17, Eleanor Street, facing the old sea lock, together with a portion of a builder's yard occupied by Mr. Thomas Haines, and certain stables and outbuildings therein occupied by

Mr. Geo. Vending, Mr. Humphrey Taylor, and Mr. Robert Day, at the back of the said houses, and having an opening into Eleanor Place, bounded on the north by Eleanor Street, on the east partly by No. 18, Eleanor Street, and partly by the aforesaid yard, on the west by a lane at the rear of the houses in Penarth Terrace, and on the south by a lane at the rear of the houses in Windsor Esplanade, the whole being situate in the parish of St. Mary the Virgin, in the town of Cardiff, in the county of Glamorgan, and containing ten thousand nine hundred and eighty square feet, or thereabouts.

Elementary Education Provisional Order Confirmation Bill (Cardiff), 1876. [H.L.]

A

B I L L

INTITULED

An Act to confirm a Provisional Order made by the Education Department under "The Elementary Education Act, 1870," to enable the School Board for Cardiff to put in force "The Lands Clauses Consolidation Act, 1845," and the Acts amending the same.

(*Brought from the Lords* 10 *July* 1876.)

Ordered, by The House of Commons, *to be Printed*, 10 *July* 1876.

[Bill 243.]

Under 1 *oz.*

A

B I L L

INTITULED

An Act to confirm certain Provisional Orders made by the Education Department under "The Elementary Education Act, 1870," to enable the School Boards for Hailsham, Ilchester, Ingham, Slaugham, Swansea (United District), and Swansea Parish, Higher and Lower, to put in force "The Lands Clauses Consolidation Act, 1845," and the Acts amending the same. A.D. 1876.

WHEREAS the Lords of the Committee of the Privy Council on Education have made certain Provisional Orders under the authority of the Elementary Education Act, 1870, on behalf of the School Boards for Hailsham, Ilchester, Ingham, Slaugham, Swansea (United District), Swansea, Higher and Lower, and it is requisite that the same should be confirmed by Parliament:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. The following Orders shall be and are hereby confirmed, and from and after the passing of this Act shall have full validity and force. Confirmation of Orders.

2. This Act may be cited as the Education Department Provisional Orders Confirmation (Hailsham, &c.) Act, 1876. Title of the Act.

THE SCHOOL BOARD FOR HAILSHAM.

Provisional Order for putting in force the Lands Clauses Consolidation Act, 1845.

At the Council Chamber, the 21st day of April 1876.

WHEREAS the School Board for the parish of Hailsham, in the county of Sussex, require to purchase a piece of land for the purposes of the Elementary Education Act, 1870, and not having been able to purchase the same by agreement, require to put in force the provisions of the Lands Clauses Consolidation Act, 1845, and the Acts amending the same, which apply to the purchase and taking of lands otherwise than by agreement:

And whereas the land so required to be purchased is set forth in the schedule hereunder written:

And whereas the said Board have made due publication of the notices, and have duly served the same, according to the requirements of the Elementary Education Act, 1870, and have presented a petition to the Education Department praying that an Order may be made authorising the said School Board to put in force the powers of the said Acts with respect to the purchase and taking of lands otherwise than by agreement, in which petition were stated all the matters required by the said Elementary Education Act to be stated therein, and the same hath been supported by such evidence as the said Education Department required:

And whereas the said Department, having considered the said petition and the proofs of the publication and service of the proper notices, have thought fit to proceed with the case, and have caused inquiry to be made in the district of the said Board wherein the said land is situate as to the propriety of the proposed Order:

Now, therefore, the said Department, having received a report after such inquiry, and having duly considered the same, do hereby declare that it is proper and do hereby order accordingly that the said Board be authorised to put in force, with reference to the piece of land set forth in the schedule hereunder written, the powers of the said Acts for the purchase and taking of lands otherwise than by agreement or any of them.

Signed this 21st day of April 1876.

F. R. SANDFORD,
Secretary.

Schedule to the foregoing Order.

A piece of land, containing one acre or thereabouts, part of a certain meadow or pasture field in the parish of Hailsham, in the county of Sussex, called or known as the Mill field, belonging to the Rev. George Curteis Luxford, and in the occupation of James Mackay Cunningham, Esq., and which said piece of land so proposed to be taken abuts on the north to the land and premises belonging to the said George Curteis Luxford; on the east to the high road leading from Hailsham aforesaid to Battle; on the south and west to other parts of the said field called or known as the Mill field.

THE SCHOOL BOARD FOR ILCHESTER.

Provisional Order for putting in force the Lands Clauses Consolidation Act, 1845.

At the Council Chamber, the 30th day of March 1876.

Whereas the School Board for the parish of Ilchester, in the county of Somerset, require to purchase a piece of land for the purposes of the Elementary Education Act, 1870, and not having been able to purchase the same by agreement, require to put in force the provisions of the Lands Clauses Consolidation Act, 1845, and the Acts amending the same, which apply to the purchase and taking of lands otherwise than by agreement:

And whereas the land so required to be purchased is set forth in the schedule hereunder written:

And whereas the said Board have made due publication of the notices, and have duly served the same, according to the requirements of the Elementary Education Act, 1870, and have presented a petition to the Education Department praying that an Order may be made authorising the said School Board to put in force the powers of the said Acts with respect to the purchase and taking of lands otherwise than by agreement, in which petition were stated all the matters required by the said Elementary Education Act to be stated therein, and the same hath been supported by such evidence as the said Education Department required:

And whereas the said Department, having considered the said petition and the proofs of the publication and service of the proper notices, have thought fit to proceed with the case, and have caused inquiry to be made in the district of the said Board wherein the said land is situate as to the propriety of the proposed Order:

Now, therefore, the said Department, having received a report after such inquiry, and having duly considered the same, do hereby declare that it is proper and do hereby order accordingly that the said Board be authorised to put in force, with reference to the piece of land set forth in the schedule here-

under written, the powers of the said Acts for the purchase and taking of lands otherwise than by agreement or any of them.

Signed this 30th day of March 1876.

F. R. SANDFORD,
Secretary.

SCHEDULE to the foregoing Order.

A certain portion of a close of land, situated in the parish of Ilchester aforesaid, called "Little Spittle," and numbered 34 on the tithe apportionment map of the said parish, which said portion of land so proposed to be purchased and taken is now in the occupation of Thomas Hussey, and contains forty perches.

THE SCHOOL BOARD FOR INGHAM.

Provisional Order for putting in force the Lands Clauses Consolidation Act, 1845.

At the Council Chamber, the 18th day of April 1876.

WHEREAS the School Board for the parish of Ingham, in the county of Lincoln, require to purchase certain lands for the purposes of the Elementary Education Act, 1870, and not having been able to purchase the same by agreement, require to put in force the provisions of the Lands Clauses Consolidation Act, 1845, and the Acts amending the same, which apply to the purchase and taking of lands otherwise than by agreement:

And whereas the lands so required to be purchased are set forth in the schedule hereunder written:

And whereas the said Board have made due publication of the notices, and have duly served the same, according to the requirements of the Elementary Education Act, 1870, and have presented a petition to the Education Department praying that an Order may be made authorising the said School Board to put in force the powers of the said Acts with respect to the purchase and taking of lands otherwise than by agreement, in which petition were stated all the matters required by the said Elementary Education Act to be stated therein, and the same hath been supported by such evidence as the said Education Department required:

And whereas the said Department, having considered the said petition and the proofs of the publication and service of the proper notices, have thought fit to proceed with the case, and have caused inquiry to be made in the district of the said Board wherein the said lands are situate as to the propriety of the proposed Order:

Now, therefore, the said Department, having received a report after such inquiry, and having duly considered the same, do hereby declare that it is proper and do hereby order accordingly that the said Board be authorised to put in force, with reference to the pieces of land set forth in the schedule hereunder written, the powers of the said Acts for the purchase and taking of lands otherwise than by agreement or any of them.

Signed this 18th day of April 1876.

F. R. Sandford,
Secretary.

Schedule to the foregoing Order.

The land with the house and shop occupied by Mrs. Poole and Mr. Little, the land with the house and shop occupied by Mr. Edward Taylor and Mr. John Thorpe, with the garden belonging thereto, the land on which the dairy occupied by Mr. Luke Bell stands, of which land John Dalton, Esquire, Sleningford Park, Ripon, in the county of York, is or is reputed to be the owner.

Also the house and garden occupied by Mr. Robert Farrow, of which the churchwardens and overseers of the parish of Ingham, in the county of Lincoln, are the owners.

Also the piece of land occupied by Mr. Middleton, of which J. E. W. Clarke, Esquire, of Ingham Cliff, in the said county of Lincoln, is the owner.

All which land, houses, and garden are situate in the parish of Ingham, in the county of Lincoln, and contain a rood of land, or thereabouts, bounded on the south side by the house and premises of Mr. Luke Bell and land the property of Mr. Clarke, on the north by the village green, on the east by the road on to Mr. Luke Bell's premises, and on the west by a garden, the property of Mr. Clarke.

THE SCHOOL BOARD FOR SLAUGHAM.

Provisional Order for putting in force the Lands Clauses Consolidation Act, 1845.

At the Council Chamber, the 29th day of May 1876.

Whereas the School Board for the parish of Slaugham, in the county of Sussex, require to purchase a piece of land for the purposes of the Elementary Education Act, 1870, and not having been able to purchase the same by agreement, require to put in force the provisions of the Lands Clauses Consolidation

A.D. 1876.

Act, 1845, and the Acts amending the same, which apply to the purchase and taking of lands otherwise than by agreement:

And whereas the land so required to be purchased is set forth in the schedule hereunder written:

And whereas the said Board have made due publication of the notices, and have duly served the same, according to the requirements of the Elementary Education Act, 1870, and have presented a petition to the Education Department praying that an Order may be made authorising the said School Board to put in force the powers of the said Acts with respect to the purchase and taking of lands otherwise than by agreement, in which petition were stated all the matters required by the said Elementary Education Act to be stated therein, and the same hath been supported by such evidence as the said Education Department required:

And whereas the said Department, having considered the said petition and the proofs of the publication and service of the proper notices, have thought fit to proceed with the case, and have caused inquiry to be made in the district of the said Board wherein the said land is situate as to the propriety of the proposed Order:

Now, therefore, the said Department, having received a report after such inquiry, and having duly considered the same, do hereby declare that it is proper and do hereby order accordingly that the said Board be authorised to put in force, with reference to the piece of land set forth in the schedule hereunder written, the powers of the said Acts for the purchase and taking of lands otherwise than by agreement or any of them.

Signed this 29th day of May 1876.

F. R. Sandford,
Secretary.

Schedule to the foregoing Order.

A piece of land belonging to George Matcham, Esquire, in the occupation of John Comber, situate in the parish of Slaugham aforesaid, on the west side of the turnpike road leading from Cuckfield to Crawley, having a frontage to such road of sixty and a half yards, and running in depth backwards forty yards, being part of a field numbered 298 on the tithe map for the said parish, which said piece of land contains half an acre, and is bounded on the north, south, and west by other property of the said George Matcham, and on the east by the said turnpike road.

THE SCHOOL BOARD FOR SWANSEA (UNITED DISTRICT).

Provisional Order for putting in force the Lands Clauses Consolidation Act, 1845.

At the Council Chamber, the 29th day of May 1876.

Whereas the School Board for the united district of Swansea, in the county of Glamorgan, require to purchase certain pieces of land for the purposes of the Elementary Education Act, 1870, and not having been able to purchase the same by agreement, require to put in force the provisions of the Lands Clauses Consolidation Act, 1845, and the Acts amending the same, which apply to the purchase and taking of lands otherwise than by agreement:

And whereas the lands so required to be purchased are set forth in the schedule hereunder written:

And whereas the said Board have made due publication of the notices, and have duly served the same, according to the requirements of the Elementary Education Act, 1870, and have presented a petition to the Education Department praying that an Order may be made authorising the said School Board to put in force the powers of the said Acts with respect to the purchase and taking of lands otherwise than by agreement, in which petition were stated all the matters required by the said Elementary Education Act to be stated therein, and the same hath been supported by such evidence as the said Education Department required:

And whereas the said Department, having considered the said petition and the proofs of the publication and service of the proper notices, have thought fit to proceed with the case, and have caused inquiry to be made in the district of the said Board wherein the said lands are situate as to the propriety of the proposed Order:

Now, therefore, the said Department, having received a report after such inquiry, and having duly considered the same, do hereby declare that it is proper and do hereby order accordingly that the said Board be authorised to put in force, with reference to the pieces of land set forth in the schedule hereunder written, the powers of the said Acts for the purchase and taking of lands otherwise than by agreement or any of them.

Signed this 29th day of May 1876.

F. R. Sandford,
Secretary.

Schedule to the foregoing Order.

1. A piece of land, being and consisting of the easternmost portion of a piece of land known as the Dyfatty Field, situate in the borough of Swansea, in the

county of Glamorgan, and also the gardens and land adjoining thereto, on the northern side thereof, situate and being on the southern side of Croft Street, in the said borough.

The quantity of land required on this site is one acre twenty-eight and one quarter perches.

2. A piece of land of irregular shape, situate in the said borough, and bounded on the north-eastern side thereof by Fisher Street, in the said borough; on the north-western side thereof by the entire length of Frog Street, in the said borough; on the southern and south-western sides thereof by Rutland Street, in the said borough; and on the south-eastern side thereof by land and buildings now or late in the occupation of Messieurs T. and J. Andrew, Mr. James Daglish, Messrs. Blackie & Co., Mr. George Allen, and Frederick Clouston Scott.

The quantity of land required on this site is three roods and twenty-nine perches.

THE SCHOOL BOARD FOR SWANSEA PARISH, HIGHER AND LOWER.

Provisional Order for putting in force the Lands Clauses Consolidation Act, 1845.

At the Council Chamber, the 29th day of May 1876.

Whereas the School Board for the parish of Swansea, Higher and Lower, in the county of Glamorgan, require to purchase a piece of land for the purposes of the Elementary Education Act, 1870, and not having been able to purchase the same by agreement, require to put in force the provisions of the Lands Clauses Consolidation Act, 1845, and the Acts amending the same, which apply to the purchase and taking of lands otherwise than by agreement:

And whereas the land so required to be purchased is set forth in the schedule hereunder written:

And whereas the said Board have made due publication of the notices, and have duly served the same, according to the requirements of the Elementary Education Act, 1870, and have presented a petition to the Education Department praying that an Order may be made authorising the said School Board to put in force the powers of the said Acts with respect to the purchase and taking of lands otherwise than by agreement, in which petition were stated all the matters required by the said Elementary Education Act to be stated therein, and the same hath been supported by such evidence as the said Education Department required:

And whereas the said Department, having considered the said petition and the proofs of the publication and service of the proper notices, have thought fit to proceed with the case, and have caused inquiry to be made in the district of

the said Board wherein the said land is situate as to the propriety of the proposed Order:

Now, therefore, the said Department, having received a report after such inquiry, and having duly considered the same, do hereby declare that it is proper and do hereby order accordingly that the said Board be authorised to put in force, with reference to the piece of land set forth in the schedule hereunder written, the powers of the said Acts for the purchase and taking of lands otherwise than by agreement or any of them.

Signed this 29th day of May 1876.

F. R. Sandford,
Secretary.

Schedule to the foregoing Order.

A piece of land of rectangular shape, situate in the said parish of Swansea, Higher and Lower, and lying on the eastern side of the road leading from the borough of Swansea to the Beaufort Arms, and bounded on the northern, eastern, and southern side thereof by land belonging to the Reverend Calvert Richard Jones, and which said piece of land is now in the occupation of the said Calvert Richard Jones or his under-tenants. The quantity of land required is half an acre.

Provisional Orders Confirmation (Hailsham, &c.) [H.L.]

A

B I L L

INTITULED

An Act to confirm certain Provisional Orders made by the Education Department under "The Elementary Education Act, 1870," to enable the School Boards for Hailsham, Ilchester, Ingham, Slaugham, Swansea (United District), and Swansea Parish, Higher and Lower, to put in force "The Lands Clauses Consolidation Act, 1845," and the Acts amending the same.

(*Brought from the Lords* 3 *July* 1876.)

Ordered, by The House of Commons, *to be Printed,* 3 *July* 1876.

[Bill 223.]

Under 2 *oz.*

A

B I L L

INTITULED

An Act to confirm a Provisional Order made by the Education Department under "The Elementary Education Act, 1870," to enable the School Board for Hornsey to put in force "The Lands Clauses Consolidation Act, 1845," and the Acts amending the same. A.D. 1876.

WHEREAS the Lords of the Committee of the Privy Council on Education have made a Provisional Order under the authority of the Elementary Education Act, 1870, on behalf of the School Board for Hornsey, and it is requisite that the same should be confirmed by Parliament:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. The following Order shall be and is hereby confirmed, and from and after the passing of this Act shall have full validity and force. Confirmation of Order.

2. This Act may be cited as the Education Department Provisional Order Confirmation (Hornsey) Act, 1876. Short title.

A.D. 1876.

THE SCHOOL BOARD FOR HORNSEY, COUNTY OF MIDDLESEX.

Provisional Order for putting in force the Lands Clauses Consolidation Act, 1845.

At the Council Chamber, the 1st day of June 1876.

WHEREAS the School Board for the parish of Hornsey, in the county of Middlesex, require to purchase a piece of land for the purposes of the Elementary Education Act, 1870, and, not having been able to purchase the same by agreement, require to put in force the provisions of the Lands Clauses Consolidation Act, 1845, and the Acts amending the same, which apply to the purchase and taking of lands otherwise than by agreement:

And whereas the land so required to be purchased is set forth in the schedule hereunder written:

And whereas the said Board have made due publication of the notices, and have duly served the same, according to the requirements of the Elementary Education Act, 1870, and have presented a petition to the Education Department, praying that an Order may be made authorising the said School Board to put in force the powers of the said Acts with respect to the purchase and taking of lands otherwise than by agreement, in which petition were stated all the matters required by the said Elementary Education Act to be stated therein, and the same hath been supported by such evidence as the said Education Department required:

And whereas the said Department, having considered the said petition, and the proofs of the publication and service of the proper notices, have thought fit to proceed with the case, and have caused inquiry to be made in the district of the said Board wherein the said land is situate as to the propriety of the proposed Order:

Now, therefore, the said Department, having received a report after such inquiry, and having duly considered the same, do hereby declare that it is proper, and do hereby order accordingly, that the said Board be authorised to put in force, with reference to the piece of land set forth in the schedule hereunder written, the powers of the said Acts for the purchase and taking of lands otherwise than by agreement or any of them.

Signed this 1st day of June 1876.

(Signed) F. R. SANDFORD,
Secretary.

SCHEDULE to the foregoing Order.

A piece of land, now or formerly used as a timber yard, on the east side of Wordsworth Road, Stoke Newington, in the county of Middlesex, bounded on the north by the land forming part of the Palatine Estate, on the south and east by land belonging to James Davis Graham, Esq., and on the west by Wordsworth Road aforesaid, and containing 53,000 square feet or thereabouts.

Elementary Education Provisional Order Confirmation Bill (Hornsey), 1876. [H.L.]

A

B I L L

INTITULED

An Act to confirm a Provisional Order made by the Education Department under "The Elementary Education Act, 1870," to enable the School Board for Hornsey to put in force "The Lands Clauses Consolidation Act, 1845," and the Acts amending the same.

(*Brought from the Lords* 3 *July* 1876.)

Ordered, by The House of Commons, *to be Printed,* 3 *July* 1876.

[Bill 224.]

Under 1 *oz.*

A

B I L L

INTITULED

An Act to confirm a Provisional Order made by the Education Department under "The Elementary Education Act, 1870," to enable the School Board for London to put in force "The Lands Clauses Consolidation Act, 1845," and the Acts amending the same. A.D. 1876.

WHEREAS the Lords of the Committee of the Privy Council on Education have made a Provisional Order under the authority of the Elementary Education Act, 1870, on behalf of the School Board for London, and it is requisite that the same should be confirmed by Parliament:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. The following Order shall be and is hereby confirmed, and from and after the passing of this Act shall have full validity and force. Confirmation of Order.

2. This Act may be cited as the Education Department Provisional Order Confirmation Act (London), 1876. Short title.

A.D. 1876.

THE SCHOOL BOARD FOR LONDON.

Provisional Order for putting in force the Lands Clauses Consolidation Act, 1845.

At the Council Chamber, the 30th day of May 1876.

Whereas the School Board for London require to purchase divers pieces of land for the purposes of the Elementary Education Act, 1870, and not having been able to purchase the same by agreement, require to put in force the provisions of the Lands Clauses Consolidation Act, 1845, and the Acts amending the same, which apply to the purchase and taking of lands otherwise than by agreement:

And whereas the lands so required to be purchased are set forth in the schedule hereunder written:

And whereas the said Board have made due publication of the notices, and have duly served the same, according to the requirements of the Elementary Education Act, 1870, and have presented a petition to the Education Department praying that an Order may be made authorising the said School Board to put in force the powers of the said Acts with respect to the purchase and taking of lands otherwise than by agreement, in which petition were stated all the matters required by the said Elementary Education Act to be stated therein, and the same hath been supported by such evidence as the said Education Department required:

And whereas the said Department, having considered the said petition and the proofs of the publication and service of the proper notices, have thought fit to proceed with the case, and have caused inquiry to be made in the district of the said Board wherein the said lands are situate as to the propriety of the proposed Order:

Now, therefore, the said Department, having received a report after such inquiry, and having duly considered the same, do hereby declare that it is proper and do hereby order accordingly that the said Board be authorised to put in force, with reference to the pieces of land set forth in the schedule hereunder written, the powers of the said Acts for the purchase and taking of lands otherwise than by agreement, or any of them.

Signed this 30th day of May 1876.

F. R. Sandford,
Secretary.

SCHEDULE referred to in the preceding Order.

A piece or parcel of land situate in or near Crown Road, in the parish of Fulham, in the county of Middlesex, abutting south-east and north-west on Crown Road aforesaid and a proposed road respectively, and south-west on Norman Lane, and containing twenty-five thousand three hundred and fifty square feet or thereabouts, together with all and singular the messuages, tenements, and buildings (if any) now standing and being thereon, with their appurtenances. The name of the owner and occupier of the said piece or parcel of land and hereditaments is as follows:—

Owner or reputed Owner.	——	Occupier.
James Farmer -	- - -	James Farmer.

A piece or parcel of land situate in or near Middle Row, Kensal Road, in the parish of Chelsea (detached), in the county of Middlesex, abutting east and south on Middle Row aforesaid and Caroline Place respectively, and north on the rear of houses in Kensal Road, and containing twenty-nine thousand one hundred square feet or thereabouts, together with all and singular the messuages, tenements, and buildings now standing and being thereon, with their appurtenances. The names of the owner, lessees, and occupiers of the said piece or parcel of land and hereditaments are as follows:—

Owner or reputed Owner.	Lessees or reputed Lessees.	Occupiers.
The Rev. R. C. Jenkins	Alfred Charles Smith, Richard Jordan, Harriet Brayfield, Thomas Smith, William Faulks.	Henry Kitchler, William Gribble, Isaac Jenner, William Bevan, Thomas Clayton, William Wokes, William Sear, James Larner, Joseph Stroud, Matilda Woodroff, Amos Dunning, John Taylor, Francis Creswick, George Radford, Thomas Gillingham, Thomas Harris, Robert Taylor, Richard Townsend.

A.D. 1876.

A piece or parcel of land situate in or near Graystoke Place, Fetter Lane, in the parishes of Saint Andrew Holborn and Saint Dunstan in the West, in the county of Middlesex, abutting north on Graystoke Place aforesaid, and south on the burial ground of the Methodist Primitive Chapel, and containing four thousand three hundred and fifty square feet or thereabouts, together with all and singular the messuages, tenements, and buildings now standing and being thereon, with their appurtenances. The names of the owners, lessees, and occupiers of the said piece or parcel of land and hereditaments are as follows :—

Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
William Webster Watson, John Clark, Joseph Henry Morris.	Stephen Attwood, Charles T. Mantell, Henry Marshall Mantell.	Stephen Attwood, Patrick Sheen, Joseph Samuel Smith, George Lilford, Edward Morey, Edward Evans, John Neil, Thomas Burkin, Thomas Jones, George Lowe, Joseph Brimmer, William Arscott, James Mills, John Reardon, William Thomas Rae, Charles Cushing.

A piece or parcel of land situate in or near Compton Street, in the parish of Saint James and Saint John Clerkenwell, in the county of Middlesex, abutting north in part on Compton Street aforesaid, east on Northampton Place, and south in part on the School Board Allen Street School premises, and containing thirteen thousand three hundred and fifty square feet or thereabouts, together with all and singular the messuages, tenements, and buildings now standing and being thereon, with their appurtenances. The names of the owner, lessees, and occupiers of the said piece or parcel of land and hereditaments are as follows :—

Owner or reputed Owner.	Lessees or reputed Lessees.	Occupiers.
The Marquis of Northampton.	Benjamin Venables, George Henry Bull, Decimus Alfred Ball.	George Henry Bull, Caroline Davidson, Robert Hayley, Ann Sale, George Valarine, George Aldridge, William Eginton, Richard Thurgood, Charles Barnett, John Williams, William Snoswell, William Griffiths, Henry Hart, Margaret White, Edward C. Kent, Ellen Hiscock, Thomas Jones, James Beck, Thomas Halfacre, J. Costelow, Daniel Sullivan, John Wilson.

A piece or parcel of land situate in or near Shepperton Road, in the parish of Saint Mary Islington, in the county of Middlesex, abutting north-east on Shepperton Road aforesaid, south-west on the rear of houses in Wilton Square,

and south-east and north-west on houses in Shepperton Road aforesaid, and containing nineteen thousand nine hundred and fifteen square feet or thereabouts, together with all and singular the messuages, tenements, and buildings now standing and being thereon, with their appurtenances. The names of the owner, lessees, and occupiers of the said piece or parcel of land and hereditaments are as follows:—

Owner or reputed Owner.	Lessees or reputed Lessees.	Occupiers.
George Arthur Jervoise Scott.	Henry Siebert, Susan Tuthill, Joseph Wilkin Jolly, Charles Taylor, William Hillmer, Mrs. William Hillmer, Benjamin West.	Josoph Wilkin Jolly, George Thomas Hawes, Charles Wells, Charles Dowding, Mary Ann Clues, Elizabeth Chamberlain, Mr. Bridges, Mr. Grainger, Benjamin Bull, Mrs. Jane Weller, Walter Wilson, Henry Cooper, Edward Sweetsur, William Barnard, Mr. Hooper, Mrs. Close, Albert Ackland, William Hammerton, Mrs. C. Cox.

A piece or parcel situate in or near Canonbury Road, in the parish of Saint Mary Islington, in the county of Middlesex, being a piece of nursery ground abutting south-west on Canonbury Road aforesaid, and containing thirty-two thousand four hundred and sixty-eight square feet or thereabouts, together with all and singular the messuages, tenements, and buildings (if any) now standing and being thereon, with their appurtenances. The names of the owner, lessees, and occupiers of the said piece or parcel of land and hereditaments are as follows:—

Owner or reputed Owner.	Lessees or reputed Lessees.	Occupiers.
The Marquis of Northampton.	John Lee, John Lee, junior, the School Board for London.	John Lee, John Lee, junior.

A piece or parcel of land situate in or near Caledonian Road, in the parish of Saint Mary Islington, in the county of Middlesex, abutting west on Caledonian Road aforesaid, and north-east on Pack-horse Lane, and containing fifteen thousand five hundred and ninety square feet or thereabouts, together with all and singular the messuages, tenements, and buildings now standing and being thereon, with their appurtenances. The names of the owners, lessee, and occupier of the said piece or parcel of land and hereditaments are as follows:—

A.D. 1876.

Owners or reputed Owners.	Lessee or reputed Lessee.	Occupier.
John Huskisson, Henry Green, Peter Paget, John Martin, James Martin, Richard Biddulph Martin, John Biddulph Martin, the Islington Vestry and Local Board of Works.	William Bryett	William Bryett.

A piece or parcel of land situate in or near Victoria Road, in the parish of Saint Paul Deptford, in the county of Kent, abutting north-east on Victoria Road aforesaid, north-west on the rear of houses in Junction Road, and south-east on Greenfield Place, and south-west on the rear of houses in Greenfield Street, and containing nineteen thousand two hundred square feet or thereabouts, together with all and singular the messuages, tenements, and buildings (if any) now standing and being thereon, with their appurtenances. The names of the owner, lessee, and occupier of the said piece or parcel of land and hereditaments are as follows:—

Owner or reputed Owner.	Lessee or reputed Lessee.	Occupier.
William John Evelyn	Michael Henry Brown	George Forbes.

A piece or parcel of land situate in or near a proposed new road in the parish of Greenwich, in the county of Kent, abutting north-west on a proposed new road leading from the south end of Randel Place to Straights Mouth, and containing thirty-two thousand one hundred and forty square feet or thereabouts, together with all and singular the messuages, tenements, and buildings (if any) now standing and being thereon, with their appurtenances. The name of the owners of the said piece or parcel of land and hereditaments is as follows:—

Owners or reputed Owners.	——	——
Trustees of the Morden College.		

A piece or parcel of land situate in or near the Greenwich and Woolwich Road, in the parish of Greenwich, in the county of Kent, abutting north on the Greenwich and Woolwich Road aforesaid, east on a proposed new road, and west on Calvert Road, and containing thirty-two thousand six hundred and twenty square feet or thereabouts, together with all and singular the messuages,

tenements, and buildings (if any) now standing and being thereon, with their appurtenances. The names of the owner, lessee, and occupier of the said piece or parcel of land and hereditaments are as follows:—

Owner or reputed Owner.	Lessee or reputed Lessee.	Occupier.
Evan Vaughan -	William Hammer -	Nathaniel Roberts.

A piece or parcel of land situate in or near Stanley Street, in the parish of Saint Paul Deptford, in the county of Kent, abutting west in part on Stanley Street aforesaid, south-east on a passage in the rear of houses in Mornington Road, and north in part on the rear of houses in Douglas Street, and containing twenty thousand two hundred and twelve square feet or thereabouts, together with all and singular the messuages, tenements, and buildings now standing and being thereon, with their appurtenances. The names of the owners, lessees, and occupiers of the said piece or parcel of land and hereditaments are as follows:—

Owner or reputed Owner.	Lessees or reputed Lessees.	Occupiers.
Captain William Wickham Drake.	Joseph Lester, James Hill Stanley, Philip Crawshaw, William Buttress, John A. Lloyd.	James Hill Stanley, Stephen William Moody, Edward Nichols, John Penson, George Lewis, Mary Hunter, Frederick McLean, Frederick Woods, Rebecca Hayes, Albert Hayes, George Vickery, Fanny Ley, George Wilson, James Kirkwood, Stephen Stamers, Henry Thompson, George Richards, Sarah Barnes, George Cheyne, William Thomas, Robert Goodey.

A piece or parcel of land situate in or near Plumstead Road, in the parish of Plumstead, in the county of Kent, abutting north-east on Plumstead Road aforesaid, north on Butcher Lane, and south-east on a cart road, and containing fifteen thousand one hundred and forty square feet or thereabouts, together with all and singular the messuages, tenements, and buildings (if any) now standing and being thereon, with their appurtenances. The name of the owner and occupier of the said piece or parcel of land and hereditaments is as follows:—

Owner or reputed Owner.	——	Occupier.
William Jeans -	- - -	William Jeans.

A.D. 1876.

A piece or parcel of land situate in or near Maxey Road, in the parish of Plumstead, in the county of Kent, abutting north on Church Street, east on Maxey Road aforesaid, and south on houses in Maxey Road aforesaid, and containing thirteen thousand one hundred and forty square feet or thereabouts, together with all and singular the messuages, tenements, and buildings now standing and being thereon, with their appurtenances. The names of the owners, lessees, and occupiers of the said piece or parcel of land and hereditaments are as follows:—

Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
Frederick Pattison, Helen Charlotte Pattison.	John Hodgson, Isaiah Turton.	Edgar Fordred, Mrs. Ann Rowley, Frederick G. Ellender.

A piece or parcel of land situate in or near Rushmore Road, in the parish of Hackney, in the county of Middlesex, enclosed by Rushmore Road aforesaid, Chatsworth Road, and a road called the Crescent, and containing nineteen thousand three hundred and eighty square feet or thereabouts, together with all and singular the messuages, tenements, and buildings (if any) now standing and being thereon, with their appurtenances. The names of the owner and occupiers of the said piece or parcel of land and hereditaments are as follows:—

Owner or reputed Owner.	——	Occupiers.
John Matthew Klenck	- - -	The School Board for London.

Two pieces or parcels of land situate in or near Trafalgar Street, in the parish of Saint Matthew, Bethnal Green, in the county of Middlesex, the one abutting north on Trafalgar Street aforesaid and the end of Sarah Street, west on Nichol Row, south on the School Board Nichol Row School and premises, and east in part on Charlotte Buildings, and the other abutting south on Trafalgar Street aforesaid, east and west on Turville Street and the "Lord Nelson" public house in Sarah Street respectively, and north on Vincent Street, and containing six thousand four hundred and sixty square feet or thereabouts, and eight thousand four hundred square feet or thereabouts respectively, together with all and singular the messuages, tenements, and buildings now standing and being thereon, with their appurtenances. The names of the owners, lessees, and occupiers of the said pieces or parcels of land and hereditaments are as follows:—

Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
Henry Richard Kelsey, Henry Line Lett, Mary Ann Proctor, Thomas Bellingham, Robert Jesse Chillingworth, Frederick Robinson.	Milton Theodore Pearce, Edgar Augustus Pearce, Frederick William Pearce.	George Wright, Thomas Blackman, Edward Blackhall, Henry Hardwick, Richard Brittain, Mrs. Hunt, Frank Peacock, Mrs. Dyer, John Grennel, Frederick Bates, Jane Dyer, Thomas Cole, Ann Wallis, Mary Harris, Richard Reynolds, Richard Stannard, Robert Crudgington, Edward Wright, George Smith, Thomas Forrest, John Maulkerson, Thomas Johnson, Alfred Hyde, Edward Walkenshaw, James Parsk, John Harris, Mr. Needes, Thomas Scott, Mr. Bates, Mrs. Williams, Margaret Huxtable, George G. Buckworth, John Pennel, Mr. Stretch, Mr. Weedon, John Chapman, William Bolt, Mrs. Evans, George Pritchard, Sampson Lee, Mr. J. Lewis, Mr. Ball, Frederick Harrington, Thomas Reed, William Milley, John Bolton, William Batley, Charles Stephens, Samuel Baker, Mr. Godfrey, Philip Kellithorn, Thomas Haxall, John Gray, Mr. Reed, Richard Wilkinson, Mrs. Free, Mr. Busher.

A piece or parcel of land situate in or near Curtain Road, in the parish of Saint Leonard Shoreditch, in the county of Middlesex, abutting west in part on Curtain Road aforesaid, north in part on Bateman Row, and east on the rear of houses in New Inn Street, and containing eleven thousand square feet or thereabouts, together with all and singular the messuages, tenements, and buildings now standing and being thereon, with their appurtenances. The names of the owner and occupier of the said piece or parcel of land and hereditaments are as follows :—

Owner or reputed Owner.	——	Occupier.
Mrs. S. A. Mitchell -	- - -	Sydney Mitchell.

A piece or parcel of land situate in or near Beresford Street, in the parish of Saint Mary Newington, in the county of Surrey, abutting north-west and south-west on Beresford Street aforesaid and Avenue Road respectively, and north-east on houses in Beresford Street aforesaid, and containing fifteen thousand six hundred square feet or thereabouts, together with all and singular the messuages, tenements, and buildings now standing and being thereon, with their appurtenances. The names of the owner, lessees, and occupiers of the said piece or parcel of land and hereditaments are as follows :—

A.D. 1876.

Owner or reputed Owner.	Lessees or reputed Lessees.	Occupiers.
Frederick Flood -	Ephraim Death, John Norman, Thomas Walter Webb, George Warren, Benjamin Burton, Elizabeth Goring.	Benjamin Burton, Thomas Bubb, Oliver Dakin, Mrs. Janney, Charles Plummer, William Hawkes, George Crafter, John James Leiper, Walter Caton, James Gelder, William Curtis, Mr. Northover, Mr. Bridges, John Hoare.

A piece or parcel of land situate in or near Hollydale Road, in the parish of Camberwell, in the county of Surrey, abutting south-west on Hollydale Road aforesaid, north-west on houses in Evelina Road, and north-east on a house between Hollydale Road aforesaid and Cemetery Road, and containing thirty thousand seven hundred and twenty square feet or thereabouts, together with all and singular the messuages, tenements, and buildings now standing and being thereon, with their appurtenances. The names of the owners and lessee of the said piece or parcel of land and hereditaments are as follows :—

Owners or reputed Owners.	Lessee or reputed Lessee.	——
Major General The Honorable James William Macdonald, Richard Edmonds, Caroline Dorothea Hay Pollock, William Matthew Coulthurst, Edward Majoribanks, Hugh Lindsay Antrobus, Edmund Coulthurst, The Honorable Henry Dudley Ryder, George Robinson, Lord Archibald Campbell, The Right Hon. Henry Baron Middleton, Percival George Willoughby, Jane Austen, John Sydney Webb, Horace Augustus Alexander, Charles Mason Innes Pollock, Henry James Jennings, Henry Woods.	William Hersee.	

A piece or parcel of land situate in or near Effra Parade, Atlantic Road, in the parish of Saint Mary, Lambeth, in the county of Surrey, abutting south-east in part on Effra Parade aforesaid, and in part on the rear of houses in Effra Parade aforesaid, south-west in part on a house in Effra Parade aforesaid, and

north-east in part on houses in Effra Parade aforesaid, and containing thirty-five thousand three hundred and fifty square feet or thereabouts, together with all and singular the messuages, tenements, and buildings now standing and being thereon, with their appurtenances. The names of the owners, lessees, and occupiers of the said piece or parcel of land and hereditaments are as follows:—

Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
The Right Honorable Viscount Hawarden, Sir Coutts Lindsay, Bart., Helen Anne Montague Stuart.	William Bourne, Sarah Jane Kimball, Harriett Ann Kimball, Richard Newman, James Riley, Alexander Jacks, Thomas Harris, Mary Chester, Joseph Canale.	George Pettit, Mrs. Edser, George Cornwall, Thomas Lyford, John Sergeant, Maria E. May, Ann Smith, Mr. Thompson, Mrs. Sage, John Phillpott, Mrs. Williams, John Carlton, Mr. Fredericks, John Godfrey.

A piece or parcel of land situate in or near Burgoyne Road, in the parish of Saint Mary Lambeth, in the county of Surrey, abutting south-west on Burgoyne Road aforesaid, north-east in part on land already purchased by the school board, and in part on premises known as Blakesley Villa, and north-west on a house in Burgoyne Road aforesaid, and containing three thousand two hundred and forty square feet or thereabouts, together with all and singular the messuages, tenements, and buildings now standing and being thereon, with their appurtenances. The names of the owner, lessees, and occupier of the said piece or parcel of land and hereditaments are as follows:—

Owner or reputed Owner.	Lessees.	Occupier.
John Giles Pilcher -	The School Board for London.	Robert Clark.

A piece or parcel of land situate in or near Windmill Street, in the parish of Saint Mary Lambeth, in the county of Surrey, abutting south on Windmill Street aforesaid, west on Lyham Road, north on a brickfield, and east on a house in Windmill Street aforesaid, and containing twenty-one thousand two hundred and eighty square feet or thereabouts, together with all and singular the messuages, tenements, and buildings now standing and being thereon, with their appurtenances. The names of the owners, lessees, and occupiers of the said piece or parcel of land and hereditaments are as follows:—

A.D. 1876.

Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
William Sturdy, George B. Shaw, James Spicer, Philip Lintel Palmer.	John Lloyd, William Henry Harding, Joseph Harding, Miss Harding, Thomas Daws, Edwin Chabot, John Evans, Ann Partridge, Edwin Daws, Charles Young, James Turner, William Amos, James Price.	Thomas Daws, James Turner, Alfred Field, Henry Crook, Richard Hazell, James Lawson, James C. Hibgrave, George Garlick, Henry Wright, Robert Mears, John Carrett, Thomas Parks, John Hill, William Ashfield, Joshua Bennett, Walter Hopkins, William Covington, Napoleon Levitt.

A piece or parcel of land situate in or near Church Street, in the parish of Saint Mary Lambeth, in the county of Surrey, abutting north-east on Church Street aforesaid, and north-west and south-west on Ashmore Place, and containing fourteen thousand seven hundred and sixty square feet or thereabouts, together with all and singular the messuages, tenements, and buildings now standing and being thereon, with their appurtenances. The names of the owner, lessees, and occupiers of the said piece or parcel of land and hereditaments are as follows:—

Owner or reputed Owner.	Lessees or reputed Lessees.	Occupiers.
Thomas Morgan -	Ellen Martha Arnold, Mary Ann Arnold, James Lowe Arnold.	Arthur Nickelson, Mr. Charles, Thomas Wilkens, Mr. Bowen, Thomas Holmes, Mr. A. C. Tunnicliff, Mr. C. Wright, Mrs. S. Bates, James Abbott, Mr. W. Higgs, Frank Killick, William Churcher, William Leest, Edward Hall, Susan Green, Charles Green, Philip Arrall, William Quinnair, Ralph Palmer, Eliza Durrant, William Baker, William Swain, Mrs. Nuken.

A piece or parcel of land situate in or near Stibbington Street and Union Street, in the parish of Saint Pancras, in the county of Middlesex, abutting south-west in part on Stibbington Street aforesaid and in part on Union Street aforesaid, north-east in part on Barclay Street and in part on the end of Medburn Street, and south-east on houses between Barclay Street aforesaid and Union Street aforesaid, and containing thirteen thousand three hundred and twenty square feet or thereabouts, together with all and singular the messuages, tenements, and buildings now standing and being thereon, with their appurtenances. The names of the owners, lessees, and occupiers of the said piece or parcel of land and hereditaments are as follows:—

Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
The Duke of Bedford, Earl Somers, The Brewers Company.	Jane Harlock, James Lead, Thomas J. Ryland, Joseph Offer, Sarah Brooks, Miss White, Emily Neele, Elizabeth Neele, Elizabeth Kingston Neele, Henrietta Neele, Kingston Neele, George Potter Neele, Reverend Albert Neele, Thomas Flight, Charles C. Ashmore, Welbury James Mitton, Fortunatus Hemming, A. Solomons, Peter Bamfield, Cordelia Field, John Alfred Falkner, Mary Phillips Hallett, Jane Hallett, Anne Phillips Shepperd, John Look.	Charles C. Ashmore, Peter Bamfield, Thomas Hitchman, William Sales, Charles Coulthard, Caroline Parker, Mary Spicer, Charles Matthews, Mr. Grinham, Richard Warrington, William Turton, Mrs. Norton, Mrs. S. Dyer, Mrs. Cook, William Lloyd, William Harrison, Eliza Irons, Thomas Hutchins, John Hynes, James Fanning, Robert Smith, Mary Ann Reynolds, Joseph Reynolds, Amelia Miles, Samuel Ravenhall, Lucy Firth, George Jeans, Robert Solley, Charles Upton, Edwin Baker, Thomas Hunt, James Watkins, George Walter, William Craxford, William Craspin, John Moule.

A piece or parcel of land situate in or near Henrietta Street, in the parish of St. Marylebone, in the county of Middlesex, abutting east on houses on west side of James Street, and north and south on Gray Street and Henrietta Street aforesaid respectively, and west on houses between Gray Street aforesaid and Henrietta Street aforesaid, and containing thirteen thousand three hundred and forty square feet or thereabouts, together with all and singular the messuages, tenements, and buildings now standing and being thereon, with their appurtenances. The names of the owners, lessees, and occupiers of the said piece or parcel of land and hereditaments are as follows :—

Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
Captain V. V. Ballord, Rev. St. Leger Frederick Hope Edwardes, Lady Louisa Mary Anne Edwardes, William Francis Brown, Thomas Camp, Amelia Lyel.	Richard Tanfield, Maria Firth, Emily May Batty, Joseph Frederick Woodland, Sarah Ridley, Mary Ann Marson, William Anstee, John White, Fanny Waldron, John McHenry, William Pedlar, Eliza Ann Prince.	Amelia Lyel, Maria Firth, Emily May Batty, Joseph Frederick Woodland, Sarah Ridley, Mary Ann Marson, John White, John McHenry, William Pedlar, Eliza Ann Prince, Johann Donnecker, Thomas Prudden, William Ridley, John Tibbey, Mrs. Edwards, John Batty, William Purser, Charles Wood, Robert Bolter, William White, Mrs. Soper, Mr. W. Humphrey, Mr. Mehugh, Mr. Allen, Mr. T. R. Dove, Mr. Maclean, Mr. Webber, Mr. F. C. Huggill, Miss Bruton, Miss E.

Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
		Vickers, Thomas Seymour, William Richardson, Mr. D. Marslen, William Stroud, Mrs. C. Baker, Mr. T. Monk, Mr. T. Gilbert, Mrs. Bates, Mrs. Buckingham, Joseph James, Mr. Carpenter, Mr. Heatley, Mrs. Cartwright, Mr. Swain, Charles Burton, Charles Paternoster, Edward Dewhurst, Mr. Montague, Mr. Askland, Mrs. Brown, Mrs. Hooper, Miss Curtis, Mr. E. S. Purchas, Mr. Russell, Mr. Gleeson, Mr. Jones, Mrs. Boon, Henry Curtis, Mr. Reynolds, Charles Higginson, Charles Rutland, Lucy Green, Mrs. Clark, Mr. Crisp, John Symmons, John Miller, Mrs. James, Mr. Hobden, Betsy Hayes, Elizabeth Davey, Emma Prince, George Finch, Mrs. Redmayne, Mr. Wizard, William Bickmore, Joseph Vincent, William Adams, Mrs. Barton.

A piece or parcel of land situate in or near Stafford Street, in the parish of St. Marylebone, in the county of Middlesex, abutting north on Stephen Street, east on the rear of houses in Stafford Street aforesaid, and west on George Street, and containing ten thousand eight hundred and fifty-three square feet or thereabouts, together with all and singular the School Board school, tenements, and buildings now standing and being thereon, with their appurtenances. The names of the owners, lessees, and occupiers of the said piece or parcel of land and hereditaments are as follows:—

Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
The School Board for London.	The Rev. Horatio N. Goldney, Thomas Davidson, Jacob Michael Charlotte A. Penny.	The School Board for London.

A piece or parcel of land situate in or near Hatfield Street, in the parish of Christchurch, in the county of Surrey, abutting north-east and south-west on Hatfield Street aforesaid and Broadwall respectively, and containing thirteen thousand and seventy square feet or thereabouts, together with all and singular the messuages, tenements, and buildings now standing and being thereon, with their appurtenances. The names of the owners, lessees, and occupiers of the said piece or parcel of land and hereditaments are as follows:—

Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
Martha Clayton, Mary Clayton.	John Absalom Smith, Hannah Whitbread, John Mills, John C. Horsey.	John Absalom Smith, John Mills, John G. Horsey, Frederick Noakes, John Wilson, Edward Eglese, Richard Slayne, John Johnstone, Sarah Weston, Sydney Seymour, James Little, Ann Pontifex, James Smith, John Jeffries, James Cudden, Jessie Imrie, William James Ward, Richard Lock, William Mumbray, Charles Collins, Henry Lutton, Edward Taylor.

A piece or parcel of land situate in or near Chicksand Street, in the parish of St. Mary, Whitechapel, in the county of Middlesex, bounded on the north and south by Chicksand Street aforesaid and Finch Street respectively, and on the east and west by Luntley Place and Dowson's Place respectively, and containing nine thousand eight hundred square feet or thereabouts, together with all and singular the messuages, tenements, and buildings now standing and being thereon, with their appurtenances. The names of the owners, lessees, and occupiers of the said piece or parcel of land are as follows:—

Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
George Lewis Parkin, Sir Richard Duckworth King, Bart., John Augustus Beaumont, Seymour Augustus Beaumont, Sir George Robert Osborn.	David Stollery, John Stollery.	John Stollery, Ambrose Fitzgerald, Charles Lofthouse, Christian Krekel, Henry Hart, Richard Dye, John Hart, Mrs. Lester, Samuel Berg, Aaron Green, Ellen Shannahan, James Cleghorn, Isaac Lewis, Abram Goldman, Abram Leeski, William Hayes, George Matthias, Lewis Lyons, Abram Josephs, Mr. Hyman, Jeremiah Denney, John Dilloway, Richard Morgan, Henry Francis, Joseph Pultney, Patrick Collins, James Davis, Caroline Schmidt, John Reeves, Louis Lefcovitch, William Gamman, James Phillips, Bernhardt Moekere, William Cates, David Salomons, Isaac Cohen, Max Rosenthal, Solomon Brandt, Charles Rogers, James Sheen, William Gunschman, John Ingelman.

A piece or parcel of land situate in or near Portman Place, partly in the hamlet of Mile End Old Town, and partly in the parish of St. Matthew, Bethnal Green, in the county of Middlesex, abutting south-west partly on

A.D. 1876.

Portman Place aforesaid and partly on the rear of houses in North Square, north-east partly on the rear of houses in Morpeth Street and partly on Morpeth Street aforesaid, and south-east partly on the rear of houses in Prospect Place and partly on Prospect Place aforesaid, and containing thirty-four thousand three hundred square feet or thereabouts, together with all and singular the messuages, tenements, and buildings now standing and being thereon, with their appurtenances. The names of the owners, lessees, and occupiers of the said piece or parcel of land and hereditaments are as follows:—

Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
Isaac Bird, Rev. John Banks Meek Butler, Elizabeth Butler.	Joseph Henry Dart, Thomas Franklin Todhunter, Thomas Poore.	Isaac Bird, Thomas Allen, Mrs. Cant, Mr. Harman, Elizabeth Moore, Caroline Moore.

A piece or parcel of land situate in or near Wright's Road, in the parish of St. Mary, Stratford Le Bow, in the county of Middlesex, abutting north-west on Wright's Road aforesaid, south-west on the rear of houses in St. Stephen's Road, and south-east on the rear of houses in Roman Road, and containing eighteen thousand two hundred and sixty square feet or thereabouts, together with all and singular the messuages, tenements, and buildings now standing and being thereon, with their appurtenances. The names of the owners, lessee, and occupier of the said piece or parcel of land and hereditaments are as follows:—

Owners or reputed Owners.	Lessee or reputed Lessee.	Occupier.
Matilda Branch Amor, Elizabeth Branch King, Isabella Siminton.	Benjamin George Robinson.	Benjamin George Robinson.

A piece or parcel of land situate in or near Denbigh Terrace, in the parish of St. Mary, Stratford Le Bow, in the county of Middlesex, abutting south on Denbigh Terrace aforesaid, and north and west on land already purchased by the School Board, and containing four thousand two hundred square feet or thereabouts, together with all and singular the messuages, tenements, and buildings now standing and being thereon, with their appurtenances. The names of the owners, lessees, and occupiers of the said piece or parcel of land and hereditaments are as follows:—

Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
Sir Thomas Edward Colebrooke, Bart., Lord Tredegar.	John Perry, Thomas John Lambert, Charlotte Bromley.	John Willis, Joseph Leete, Frederick Lea.

A.D. 1876.

A piece or parcel of land situate in the rear of the School Board school premises on the south-east side of Victoria Road, in the parish of Hammersmith, in the county of Middlesex, and containing twelve thousand square feet or thereabouts, together with all and singular the messuages, tenements, and buildings (if any) now standing and being thereon, with their appurtenances. The names of the owners and occupier of the said piece or parcel of land and hereditaments are as follows:—

Owners or reputed Owners.	——	Occupier.
Thomas Henry Aldridge, John Unite, William Mead, Samuel Tildesley, James Dearle Padgett, Eliza Sarah Cooper, William Berrall, Henry Bidgood, Thomas Brooker, George Axton.	- - - -	George Axton.

A piece or parcel of land situate in or near Little Earl Street, in the parish of St. Giles in the Fields, in the county of Middlesex, abutting on the southern side on the premises of the School Board Tower Street School, and abutting north on Little Earl Street, east on Lumber Court, west on a house in Little Earl Street aforesaid, and containing one thousand six hundred square feet or thereabouts, together with all and singular the messuages, tenements, and buildings now standing and being thereon, with their appurtenances. The names of the owners, lessee, and occupier of the said piece or parcel of land and hereditaments are as follows:—

Owners or reputed Owners.	Lessee or reputed Lessee.	Occupier.
Joseph Bannister, William George Smith.	Rebecca Lewis - -	Rebecca Lewis.

Two pieces or parcels of land situate in or near the Three Cups Mews, in the parish of St. Andrew, Holborn, in the county of Middlesex, the one abutting north-west on Prince's Street, and north-east on the Three Cups Mews, and the other abutting south-west on the Three Cups Mews and north-east on the rear of houses in Bedford Row, and containing seven hundred and sixty square feet or thereabouts and one thousand three hundred square feet or thereabouts respectively, together with all and singular the messuages, tenements, and buildings now standing and being thereon, with their appurtenances. The names of the owners, lessees, and occupiers of the said pieces or parcels of land and hereditaments are as follows:—

A.D. 1876.

Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
The Trustees of the Bedford Charity.	John Bassett, Reginald A. Parker, Frank R. Parker, Andrew G. Parker, William A. Sharpe, John B. C. Huxham.	Reginald A. Parker, Frank R. Parker, Andrew G. Parker, William A. Sharpe, John B. C. Huxham, James Offer, Henry Butcher, Mr. F. G. Barton, James Willis, Alexander Crow, Alfred Booth, Mary Ann Frankish, Robert Hinde.

A piece or parcel of land situate in or near St. Peter's Street, in the parish of St. Mary, Islington, in the county of Middlesex, abutting east and west on St. Peter's Street and property now in the possession of the School Board respectively, and south on the towing path of the Regent's Canal, and containing one thousand five hundred and eighty square feet or thereabouts, together with all and singular the messuages, tenements, and buildings now standing and being thereon, with their appurtenances. The names of the owners, lessee, and occupiers of the said piece or parcel of land and hereditaments are as follows:—

Owners or reputed Owners.	Lessee or reputed Lessee.	Occupiers.
James Alfred Rhodes, Lucy Rhodes, Emily Rhodes, Mary Rhodes, Augusta Rhodes.	Mary Ann Gooch -	Edmund Berry, William Gardner, John Roberts, Mr. T. Baxter, Charles Carr, James Cann, Joseph Lockwood, Edward Higgins.

A piece or parcel of land situate in or near Vittoria Place, in the parish of Saint Mary, Islington, in the county of Middlesex, abutting north on Little Payne Street, north-west on rear of houses in Payne Street, south-west on rear of houses in Half Moon Crescent, south in part on Vittoria Place aforesaid, and south-east in part on the premises of the School Board School in Vittoria Place aforesaid, and containing ten thousand nine hundred and twenty-two square feet or thereabouts, together with all and singular the messuages, tenements, and buildings now standing and being thereon, with their appurtenances. The names of the owners, lessees, and occupiers of the said piece or parcel of land and hereditaments are as follows:—

Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
Richard Valpy, Edwin Bedford, William Spencer Palmer, Mrs. E. J. Vowe.	Thomas Purvis, Charles Purvis, William Woolverton, Mrs. Greenwood, Frederick Jones, Elizabeth Mills, Sarah Blackwell, James Breese, John Darnell, John Joseph Brown, Algernon Thomas Dolton, John Snoxell, Thomas May.	Benjamin Moore, David Pratt, Henrietta Homewood, Charles Talbey, Stephen Chessal, Margaret Burke, Julia Collins, Mrs. Hairs, Mr. Dowed, Mrs. Manning, Jane Pattenden, Mrs. M. Dunn, William Henry Mitchell, John Callaghan, James Walkley, James Clark, Hugh James Rose, Richard Cooke, Mary Gore, James Radley, Frederick Dewen, James Wood, Edward Dingley, Mrs. Radney, Mr. James Andrews.

A.D. 1876.

A piece or parcel of land situate in or near Hargrave Park Road, in the parish of Saint Mary, Islington, in the county of Middlesex, abutting south on Hargrave Park Road aforesaid, and north on land in possession of the School Board on the south side of Langdon Road, and containing twenty-one thousand five hundred and fifty square feet or thereabouts, together with all and singular the messuages, tenements, and buildings (if any) now standing and being thereon, with their appurtenances. The names of the owners of the said piece or parcel of land and hereditaments are as follows :—

Owners or reputed Owners.	—	—
Philip Augustus Hanrott, William Henry Hargrave, Miss Sarah Hargrave, Miss Henrietta Hargrave.		

A piece or parcel of land situate in or near Edward Street, in the parish of Saint Paul Deptford, in the county of Kent, abutting north-west on Edward Street, and south-west on the premises of the School Board Clifton Road School, and containing twenty three thousand nine hundred and thirty square feet or thereabouts, together with all and singular the messuages, tenements, and buildings (if any) now standing and being thereon, with their appurtenances. The name of the owner of the said piece or parcel of land and hereditaments is as follows :—

Owner or reputed Owner.	—	—
William John Evelyn.		

Two pieces or parcels of land situate in or near Hill Street, in the parish of Saint Paul Deptford, in the county of Kent, the one abutting north-east on Hill Street aforesaid, and south-east on the premises of the School Board Tanners' Hill School, and the other abutting north-east on Hill Street aforesaid, south-east on Evelyn Street, and north-west on the premises of the School Board School aforesaid, and containing five thousand three hundred and eighty square feet or thereabouts, and five thousand one hundred and seventy two square feet or thereabouts respectively, together with all and singular the messuages, tenements, and buildings now standing and being thereon, with their appurtenances. The names of the owners, lessees, and occupiers of the said pieces or parcels of land and hereditaments are as follows :—

A.D. 1876.

Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
The Governors and Directors of the Parish of Saint Nicholas, Deptford.	Thomas Davey, George Woolverton.	Thomas Davey, George Woolverton, Thomas Kent, George Wheatley, Frederick Majer, George Willett, William Logan, Samuel Heminway, Mrs. Mary Cox, Josiah Brightman, James Conner, William Sharps.

A piece or parcel of land situate in or near Sandy Hill, in the parish of Plumstead, in the county of Kent, abutting west on Sandy Hill aforesaid, east on the School Board Bloomfield Road School premises, and north and south on houses facing Sandy Hill aforesaid, and containing four thousand eight hundred square feet or thereabouts, together with all and singular the messuages, tenements, and buildings now standing and being thereon, with their appurtenances. The names of the owners, lessee, and occupiers of the said piece or parcel of land and hereditaments are as follows :—

Owners or reputed Owners.	Lessee or reputed Lessee.	Occupiers.
Frederick Pattison, Miss Helen Charlotte Pattison.	Peter Laird - -	John Miller, Mrs. Susan Dunn, Frederick Hunter.

A piece or parcel of land situate in or near Grove Road, in the parish of Lewisham, in the county of Surrey, abutting north on Grove Road aforesaid, and east in part on the School Board Grove Road Schools, and south on the rear of houses in South Road, and containing nineteen thousand eight hundred and fifty square feet or thereabouts, together with all and singular the messuages, tenements, and buildings (if any) now standing and being thereon, with their appurtenances. The names of the owners and occupiers of the said piece or parcel of land and hereditaments are as follows :—

Owners or reputed Owners.	——	Occupiers.
Edward Mitchell, Edward Worger.	- - - -	Shadrack Neville, John Aland.

Two pieces or parcels of land situate in or near Sydenham Hill Road, in the parish of Lewisham, in the county of Kent, being strips of land for entrances the one abutting north in part on the premises of the School Board Sydenham Hill School, and in part on the premises of a Lecture Hall, and bounded at the west end by Rowland Grove, and at the east end by Sydenham Hill Road aforesaid, and the other abutting south on the premises of the Lecture Hall aforesaid, and bounded at the west end by the premises of the said school, and

at the east end by Sydenham Hill Road aforesaid, and containing six thousand four hundred and seventy square feet or thereabouts, and one thousand seven hundred and fifty square feet or thereabouts respectively, together with all and singular the messuages, tenements, and buildings (if any) now standing and being thereon, with their appurtenances. The names of the owners, lessees, and occupiers of the said pieces or parcels of land and hereditaments are as follows:—

Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
John Scott Russell, Henry William Dawson, George Joseph Cockerill, Joseph Meade, Edward Saxton, Josias Alexander, George Grove, Stephen Philpot Low, Henry Hughes, William Obadiah Wheeler, John Coe, Nathaniel James Powell, Edward Harris.	The School Board for London.	John Scott Russell, Henry William Dawson, George Joseph Cockerill, Joseph Meade, Edward Saxton, Josias Alexander, George Grove, Stephen Philpot Low, Henry Hughes, William Obadiah Wheeler, John Coe, Nathaniel James Powell, Edward Harris, the School Board for London.

A piece or parcel of land situate in or near Rendlesham Road, in the parish of Hackney, in the county of Middlesex, abutting east on Rendlesham Road aforesaid, west on the premises of the School Board Rendlesham Road Schools, and north and south on houses in Rendlesham Road aforesaid, and containing six thousand four hundred square feet or thereabouts, together with all and singular the messuages, tenements, and buildings now standing and being thereon, with their appurtenances. The names of the owners, lessee, and occupiers of the said piece or parcel of land and hereditaments are as follows:—

Owners or reputed Owners.	Lessee or reputed Lessee.	Occupiers.
Henry John Payton Wright, Edward Monday.	William Arberry -	William Arberry, Henry Ockenden.

A piece or parcel of land situate in or near Orchard Street, in the parish of Hackney, in the county of Middlesex, abutting south-west on the premises of the School Board Orchard Street Schools, and north-east and north-west on Orchard Street aforesaid, and containing seven thousand square feet or thereabouts, together with all and singular the messuages, tenements, and buildings now standing and being thereon, with their appurtenances. The names of the owner, lessees, and occupiers of the said piece or parcel of land and hereditaments are as follows:—

A.D. 1876.

Owner or reputed Owner.	Lessees or reputed Lessees.	Occupiers.
The Revd. Charles Thomas Frampton.	William Edward Williams, Joseph Hort.	Stephen Abbott, Thomas Sykes, Mrs. Mary A. Maton, Mr. Dunn, John Clarke, Thomas Bayliss, Mrs. Flowers.

A piece or parcel of land situate in or near Claremont Street, in the parish of Saint Matthew, Bethnal Green, in the county of Middlesex, abutting south on Claremont Street aforesaid, east on Durham Street, and west on the School Board Claremont Street School premises, and containing six thousand four hundred and eighty square feet or thereabouts, together with all and singular the messuages, tenements, and buildings now standing and being thereon, with their appurtenances. The names of the owner, lessees, and occupiers of the said piece or parcel of land and hereditaments are as follows :—

Owner or reputed Owner.	Lessees or reputed Lessees.	Occupiers.
Matilda Merceron -	The School Board for London.	Annie Eeles, Mr. Joseph William Chapman, Mr. Gross, George Spalding, Thomas Mason, Mrs. Styles, Miss Millington, Joseph Tabberer, Matilda Samoon, George Cordell, Charles Plastow, Thomas Jobbins, Charles Harrison, Mr. Henry Roseman, Owen Flynn, the School Board for London.

A piece or parcel of land situate in or near Pritchard's Road, in the parish of Saint Matthew, Bethnal Green, in the county of Middlesex, abutting west and east on Pritchard's Road aforesaid and Marian Square respectively, and south on the premises of the School Board School on the north side of Marian Place, and containing eleven thousand six hundred and forty square feet or thereabouts, together with all and singular the messuages, tenements, and buildings now standing and being thereon, with their appurtenances. The names of the owner, lessees, and occupiers of the said piece or parcel of land and hereditaments are as follows :—

Owner or reputed Owner.	Lessees or reputed Lessees.	Occupiers.
Andrew Pritchard -	Thomas Arthur Bishop, Anne Coopey, Henry Coopey, Pierson John Dixon.	Henry Coopey, Frederick Campling, John Alexander, Joseph Lee, Charles Wilson, John Wilson, Charles B. Goode, Mrs. Clark, John Rudlin, William Thornton, Benjamin R. Ames, William Vine, George Newman, Mr. Lee, John Fletcher, Jasper Holland, Sarah Saunders, Reuben Williams, George Ballard, Mr. W. Nott, William Bradford, Edward Steele, Edward Hammond, William Shearman, Joseph Taylor, Thomas Pippin.

A.D. 1876.

A piece or parcel of land situate in or near George Street and Camberwell Road, in the parish of Camberwell, in the county of Surrey, abutting east in part on George Street aforesaid, and north in part on Banbury's Place, and containing twenty-five thousand one hundred and forty square feet or thereabouts, together with all and singular the messuages, tenements, and buildings now standing and being thereon, with their appurtenances. The names of the owners, lessees, and occupiers of the said piece or parcel of land and hereditaments are as follows :—

Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
Revd. William Harker, David Smith, William Lovell, Revd. William English, James Kibble, Samuel James Harvey, James Banks Pittman, Thomas William Hall, Revd. William Woodhouse, William Fry Buchanan.	Sarah Ann Spinks, Henry William Fleming, Martha Banbury, Gurney Banbury, Edmund Pryor, George Weatherall, John Greene.	Sarah Ann Spinks, Jane Newham & Sons, Richard Finch, William Thompson Cutts, George Vincent, Robert Parker, George Howard, John Chatley, Samuel Ansell, the School Board for London.

A piece or parcel of land situate in or near Canterbury Road, in the parish of Saint Paul, Deptford, in the county of Kent, abutting north-west on Canterbury Road aforesaid, south on the London, Brighton, and South Coast Railway, and south-west on the premises of the School Board Canterbury Road School, and containing eleven thousand four hundred and forty square feet or thereabouts, together with all and singular the messuages, tenements, and buildings now standing and being thereon, with their appurtenances. The names of the owner, lessees, and occupiers of the said piece or parcel of land and hereditaments are as follows :—

Owner or reputed Owner.	Lessees or reputed Lessees.	Occupiers.
Thomas King - -	John Noble, Arthur A. Champion, the School Board for London.	John Noble, Arthur A. Champion, the School Board for London.

A piece or parcel of land situate in or near Union Street, Larkhall Lane, in the parish of Clapham, in the county of Surrey, abutting south-west on Union Street aforesaid, and north-east on the School Board James Street School premises, and north-west and south-east in part on houses in Union Street aforesaid, and containing three thousand and ninety square feet or thereabouts, together with all and singular the messuages, tenements, and buildings now standing and being thereon, with their appurtenances. The names of the owner, lessee, and occupiers of the said piece or parcel of land and hereditaments are as follows :—

A.D. 1876.

Owner or reputed Owner.	Lessee or reputed Lessee.	Occupiers.
John Barnard Hankey	Thomas Puttock -	George Leeks, George Cann, Elizabeth Thurniell, Francis Farnes, Mrs. Slater.

A piece or parcel of land situate in or near Elsley Road, in the parish of Battersea, in the county of Surrey, abutting north on Elsley Road aforesaid, south on the premises of the School Board Gideon Road Schools, and east and west on houses in Elsley Road aforesaid, and containing two thousand two hundred and eighty square feet or thereabouts, together with all and singular the messuages, tenements, and buildings now standing and being thereon, with their appurtenances. The name of the owners, lessees, and occupiers of the said piece or parcel of land and hereditaments are as follows:—

Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
The Artizans, Laborers, and General Dwellings Compy.	The School Board for London.	The School Board for London.

A piece or parcel of land situate in or near Webber Row, in the parish of Saint George the Martyr, in the county of Surrey, abutting north on the premises of the School Board Webber Row School, and east on the rear of houses in Westminster Bridge Road aforesaid, and west on Webber Row aforesaid, and containing five hundred and sixty square feet or thereabouts, together with all and singular the messuages, tenements, and buildings now standing and being thereon, with their appurtenances. The names of the owners, lessee, and occupiers of the said piece or parcel of land and hereditaments are as follows:—

Owners or reputed Owners.	Lessee or reputed Lessee.	Occupiers.
Trustees of the Magdalen Hospital, Joseph Whatley, Joseph Osbert Whatley.	William Hedger -	William Manton, Daniel Davis, George Veves, Henry Crafer.

A piece or parcel of land situate in or near Kings Place, in the parish of Bermondsey, in the county of Surrey, abutting north on the School Board Nelson Street Schools and premises, east on West Place, and south no Kings Place aforesaid, and containing six thousand square feet or thereabouts, together with all and singular the messuages, tenements, and buildings now standing and being thereon, with their appurtenances. The names of the owners, lessees, and occupiers of the said piece or parcel of land and hereditaments are as follows:—

Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
Richard Coulston Cocking, James Temple, Mary Ann Temple, George Coulston Cocking, William Henry Cocking, Jane Coulston Cocking, Charles Augustus Body, Elizabeth Body.	The London Railway and General Van Building Company, Limited.	The London Railway and General Van Building Company, Limited, Mrs. Frances Harris, William Dunford, James Cleary, Mrs. Fielding.

A piece or parcel of land situate in or near Henry Street, in the parish of Saint George the Martyr, Southwark, in the county of Surrey, abutting north-west on Henry Street aforesaid, and south-east on land now in the possession of the School Board on the north-west side of Westcott Street, and north-east and south-west on other houses in Henry Street aforesaid, and containing two thousand and fifteen square feet or thereabouts, together with all and singular the messuages, tenements, and buildings now standing and being thereon, with their appurtenances. The names of the owner and occupiers of the said piece or parcel of land and hereditaments are as follows :—

Owner or reputed Owner.	——	Occupiers.
Revd. John Richard Nicholl.	- - - -	Harriet Holton, William Mills, James Holder, William Berry, Henry Dorkins, Thomas Smith, George Carter, Mrs. J. Turner, Charles Berry, Henry Turley.

A piece or parcel of land situate in or near Monnow Road, in the parish of Bermondsey, in the county of Surrey, abutting east on Monnow Road aforesaid, and south on the School Board Monnow Road School premises, and containing two thousand two hundred and thirty square feet or thereabouts, together with all and singular the messuage, tenement, and buildings now standing and being thereon, with their appurtenances. The names of the owner, lessee, and occupier of the said piece or parcel of land and hereditaments are as follows :—

Owner or reputed Owner.	Lessee or reputed Lessee.	Occupier.
James Robert West -	Henry Jenner -	William Egglesford.

A piece or parcel of land situate in or near Bush Road and Midway Place, in the parish of Rotherhithe, in the county of Surrey, abutting west and in part south on land now in the possession of the School Board, east on Bush Road aforesaid, and north and in part south on houses in Bush Road aforesaid, and containing three thousand two hundred and fifty square feet or thereabouts, together with

A.D. 1876.

all and singular the messuages, tenements, and buildings now standing and being thereon, with their appurtenances. The names of the owner, lessee, and occupiers of the said piece or parcel of land and hereditaments are as follows :—

Owner or reputed Owner.	Lessee or reputed Lessee.	Occupiers.
Stephen Ram - -	Richard Matthew Shipp	Walter Aggas, William Barnes, Samuel Johnson.

A piece or parcel of land situate in or near Church Street, in the hamlet of Mile End New Town, in the county of Middlesex, abutting south on Church Street aforesaid, west on the School Board Church Street School and premises, and east on a house in Church Street aforesaid, and containing three thousand five hundred and thirty square feet or thereabouts, together with all and singular the messuages, tenements, and buildings now standing and being thereon, with their appurtenances. The names of the owners, lessees, and occupiers of the said piece or parcel of land and hereditaments are as follows :—

Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
William Bradshaw, Richard Bradshaw, Arthur Bradshaw.	William D. Harding, Albert Field.	George Bates, Thomas Staples, Mrs. E. Barlow, Mrs. K. Plunson, Patrick Hayes, George Neil, Edward Wilson, William Haystead.

A piece or parcel of land situate in or near Glasshouse Street, in the parish of Ratcliff, in the county of Middlesex, abutting east and west on Glasshouse Street aforesaid and Love Lane respectively, and south on the rear of premises in Broad Street, and containing three thousand nine hundred and eighty square feet or thereabouts, together with all and singular the messuage, tenements, and buildings now standing and being thereon, with their appurtenances. The names of the owners, lessee, and occupiers of the said piece or parcel of land and hereditaments are as follows :—

Owners or reputed Owners.	Lessee or reputed Lessee.	Occupiers.
John William Taylor, Joseph Cashell Hoey, Sarah Susannah Church.	John Cameron - -	John Cameron, Robert Bradley Bennett.

Elementary Education Provisional Order Confirmation (London).

[H.L.]

A

B I L L

INTITULED

An Act to confirm a Provisional Order made by the Education Department under "The Elementary Education Act, 1870," to enable the School Board for London to put in force "The Lands Clauses Consolidation Act, 1845," and the Acts amending the same.

(*Brought from the Lords* 30 *June* 1876.)

Ordered, by The House of Commons, *to be Printed*, 3 *July* 1876.

[Bill 221.]

Under 4 *oz.*

A

B I L L

INTITULED

An Act to confirm a Provisional Order made by the Education Department under "The Elementary Education Act, 1870," to enable the School Board for Tolleshunt Major, in the county of Essex, to put in force "The Lands Clauses Consolidation Act, 1845," and the Acts amending the same. A.D. 1876.

WHEREAS the Lords of the Committee of the Privy Council on Education have made a Provisional Order under the authority of the Elementary Education Act, 1870, on behalf of the School Board for Tolleshunt Major, and it is requisite that the same should be confirmed by Parliament:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. The following Order shall be and is hereby confirmed, and from and after the passing of this Act shall have full validity and force. Confirmation of Order.

2. This Act may be cited as the Elementary Education Provisional Order Confirmation (Tolleshunt Major) Act, 1876. Short title.

A.D. 1876.

THE SCHOOL BOARD FOR TOLLESHUNT MAJOR, COUNTY OF ESSEX.

Provisional Order for putting in force the Lands Clauses Consolidation Act, 1845.

At the Council Chamber, the 12th day of June 1876.

WHEREAS the School Board for the parish of Tolleshunt Major, in the county of Essex, require to purchase a piece of land for the purposes of the Elementary Education Act, 1870, and, not having been able to purchase the same by agreement, require to put in force the provisions of the Lands Clauses Consolidation Act, 1845, and the Acts amending the same, which apply to the purchase and taking of lands otherwise than by agreement:

And whereas the land so required to be purchased is set forth in the schedule hereunder written:

And whereas the said Board have made due publication of the notices, and have duly served the same according to the requirements of the Elementary Education Act, 1870, and have presented a petition to the Education Department, praying that an Order may be made authorising the said School Board to put in force the powers of the said Acts with respect to the purchase and taking of lands otherwise than by agreement, in which petition were stated all the matters required by the said Elementary Education Act to be stated therein, and the same hath been supported by such evidence as the said Education Department required:

And whereas the said Department, having considered the said petition, and the proofs of the publication and service of the proper notices, have thought fit to proceed with the case, and have caused inquiry to be made in the district of the said Board wherein the said land is situate as to the propriety of the proposed Order:

Now, therefore, the said Department, having received a report after such inquiry, and having duly considered the same, do hereby declare that it is proper, and do hereby order accordingly, that the said Board be authorised to put in force, with reference to the piece of land set forth in the schedule hereunder written, the powers of the said Acts for the purchase and taking of lands otherwise than by agreement, or any of them.

Signed this twelfth day of June one thousand eight hundred and seventy-six.

F. R. SANDFORD,
Secretary.

SCHEDULE to the foregoing Order.

All that piece of freehold land situated in the parish of Tolleshunt Major, in the county of Essex, on the north side of the road leading from Maldon to Tolleshunt D'Arcy, and being part of a field known as the Old House field, numbered 243 on the tithe map for the parish of Tolleshunt Major, and belonging to the New England Company, and in the occupation of Mr. James Algernon Piggot as the lessee thereof; such piece of land being bounded on the east by land belonging to the trustees of Mr. Pavitt, on the north and west by other part of the said Old House field, and on the south by the road from Maldon to Tolleshunt D'Arcy, and containing on each of the north and east sides thereof one hundred and forty-five feet or thereabout, on the west side one hundred and forty-six feet or thereabout, and on the south side one hundred and forty-seven feet six inches or thereabout; and also the piece of common land or waste lying in front of the said piece of land.

Elementary Education Provisional Order Confirmation Bill (Tolleshunt Major), 1876. [H.L.]

A

BILL

INTITULED

An Act to confirm a Provisional Order made by the Education Department under "The Elementary Education Act, 1870," to enable the School Board for Tolleshunt Major, in the county of Essex, to put in force "The Lands Clauses Consolidation Act, 1845," and the Acts amending the same.

(*Brought from the Lords* 6 *July* 1876.)

Ordered, by The House of Commons, *to be Printed,* 6 *July* 1876.

[Bill 238.]

Under 1 *oz.*

A

B I L L

TO

Amend the Law relating to Elver Fishing. A.D. 1876.

WHEREAS by the fifteenth section of "The Salmon Fishery Act, 1873," it was enacted that "no person between the first "day of January and the twenty-fourth day of June, inclusive, "shall hang, fix, or use in any salmon river any baskets, nets, "traps, or devices for catching eels or the fry of eels:"

And whereas it is expedient to amend the law relating to elver fishing in the river Severn:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. *From and after the passing of this Act*, so much of the fifteenth section of "The Salmon Fishery Act, 1873," as prohibits the taking of elvers or the fry of eels in the river Severn between the first day of March and the thirtieth day of April, inclusive, shall be and the same is hereby repealed. Repeal of part of 15th section of 36 & 37 Vict. c. 71.

Elver Fishing.

A

BILL

To amend the Law relating to Elver Fishing.

(*Prepared and brought in by Mr. Monk and Mr. Price.*)

Ordered, by The House of Commons, *to be Printed,* 22 *May* 1876.

[Bill 162.]

Under 1 *oz.*

A

B I L L

[AS AMENDED IN COMMITTEE]

TO

Amend the Law relating to Elver Fishing. A.D. 1876.

WHEREAS by the fifteenth section of "The Salmon Fishery Act, 1873," it was enacted that "no person between the first "day of January and the twenty-fourth day of June, inclusive, "shall hang, fix, or use in any salmon river any baskets, nets, "traps, or devices for catching eels or the fry of eels:"

And whereas it is expedient to amend the law relating to elver fishing:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Repeal of part of 15th section of 36 & 37 Vict. c. 71.

1. From and after the passing of this Act, so much of the fifteenth section of "The Salmon Fishery Act, 1873," as prohibits the taking of elvers or the fry of eels shall be and the same is hereby repealed.

Close period for elvers in the River Severn Fishery District.

2. With respect to the River Severn Fishery District the period between the first day of January and the last day of February, inclusive, and the period between the twenty-sixth day of April and the twenty-fourth day of June, inclusive, shall each be a close period for elvers or the fry of eels, and the following provision shall apply:

(*a.*) Any person who, during either of the said close periods, shall take or use any instrument for taking in the River Severn Salmon Fishery District elvers or the fry of eels shall, on summary conviction before two justices, be liable to a penalty not exceeding twenty shillings.

For the purposes of this Act the River Severn Salmon Fishery District shall mean and include the River Severn Salmon Fishery District as defined by the certificate of one of Her Majesty's Principal Secretaries of State, dated 18th January 1866.

Elver Fishing.

A

BILL

[AS AMENDED IN COMMITTEE]

To amend the Law relating to Elver Fishing.

(*Prepared and brought in by Mr. Monk and Mr. Price.*)

Ordered, by The House of Commons, *to be Printed,* 3 *July* 1876.

[Bill 225.]

Under 1 *oz.*

A

B I L L

TO

Extend the provisions of the Employers and Workmen Act of last Session to Seamen whilst they are in British Waters. A.D. 1876.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Short title.

1. This Act may be cited as the Employers and Workmen (Seamen) Extension Act, 1876.

Commencement of Act.

2. This Act shall come into operation on *the first day of September one thousand eight hundred and seventy-six.*

Seamen not to be liable to imprisonment for certain offences.

3. No seaman or apprentice to the sea service shall be liable to imprisonment for deserting within the United Kingdom, nor for neglecting nor for refusing without reasonable cause to join his ship or to proceed to sea in his ship, nor for absence without leave and without sufficient reason from his ship or from his duty, not amounting to desertion or not treated as such by the master, within the United Kingdom.

Seamen, &c., not to be apprehended without warrant, &c., for certain offences.

4. No seaman or apprentice neglecting or refusing to join or deserting from or refusing to proceed to sea in any ship in which he is duly engaged to serve, or is found otherwise absenting himself therefrom without leave within the United Kingdom, shall be liable to apprehension, arrest, or detention without warrant, or, instead of being committed to prison, or after committal to prison by any court, to be conveyed on board for the purpose of proceeding on the voyage, or to be delivered to the master or mate or owner of any ship, or his agent, to be by them so conveyed.

Application of Employers and Workmen Act, 1875, to seamen.

5. The enactments of the Employers and Workmen Act, 1875, shall apply to every dispute arising out of or incidental to the contracts and relation between seamen and sea apprentices and ship owners, their agents or masters, as employers ; and the courts

A.D. 1876.

in the said Act mentioned shall have all necessary jurisdiction and powers for remitting, determining, or enforcing all forfeiture of clothes, effects, wages, and emoluments or shares authorized by the Merchant Shipping Act, 1854, or any other Act or law now in force.

Repeal.

6. The Acts and parts of Acts in the Schedule hereto are hereby repealed.

SCHEDULE.

Repeal of portion of Act of 38 & 39 Vict. c. 90

38 & 39 Vict. Cap. 90, Sec. 13, the words "This Act shall not apply to seamen or apprentices to the sea service."

Employers and Workmen Act (1875) Extension.

A

BILL

To extend the Provisions of the Employers and Workmen Act of last Session to Seamen whilst they are in British Waters.

(*Prepared and brought in by Mr. Burt, Mr. Joseph Cowen, Mr. Mundella, and Mr. Gourley.*)

Ordered, by The House of Commons, *to be Printed*, 9 *February* 1876.

[Bill 23.]

Under 1 *oz.*

A

B I L L

TO

Amend the Law relating to the Liability of Employers for Injuries negligently caused to persons in their employment. A.D. 1876.

WHEREAS it is expedient to amend the law relating to compensation for injuries suffered by persons in the course of their employment:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Amendment of law as to compensation for injuries in course of employment.

1. Where any action or proceeding is brought for recovery of damages or of compensation in respect of bodily injury or loss of life, alleged to have been occasioned *after the passing of this Act*, to any person, it shall not be any ground of defence that the person by whose negligence the injury or loss of life is alleged to have been occasioned was employed in a common employment with the person injured or killed, or that the risk of injury or loss of life was knowingly or voluntarily incurred by the person injured or killed in the course of his employment.

Proviso.

Provided that this Act shall not render any person liable to pay damage or compensation in respect of injury to or the loss of life of any person, where it is made to appear that the person injured or killed materially contributed by his own negligence to the causing of the injury or loss of life.

"Common employment" means any such community of employment, service, or occupation as, but for this Act, would be matter of defence in any such action or proceeding as aforesaid.

Proviso limiting time within which proceedings must be taken.

2. No action shall be sustainable in a case in which such action would not have been sustainable but for this Act, unless notice that such action will be brought is given within *six weeks*,

A.D. 1876.

nor unless the action is commenced within *six months* from the occurrence of the accident causing the injury or loss of life.

As to injuries caused to minors.

3. Where injuries not resulting in death are caused to a minor by reason of the negligence of any other person, and damages are recovered for such negligence, it shall be lawful for the court before whom the damages are recovered to direct that the amount of such damages shall be paid to and held by such person as the court, with his consent, directs, in trust for the minor; and such amount shall be applied for the education or advancement of the minor, or otherwise for his benefit, as the court or a judge of the High Court of Justice may from time to time direct.

Employers Liability for Injury.

A

BILL

To amend the Law relating to the Liability of Employers for Injuries negligently caused to persons in their employment.

(*Prepared and brought in by Mr. Macdonald, Dr. Cameron, Mr. Meldon, and Mr. Bass.*)

Ordered, by The House of Commons, *to be Printed*, 9 *February* 1876.

[Bill 15.]

Under 1 *oz.*

A

B I L L

TO

Extend the Time for the Epping Forest Commissioners to make their Final Report. A.D. 1876.

WHEREAS by the Epping Forest Act, 1871, it was enacted that the Commissioners thereby appointed should within two years from their appointment make a final report to Her Majesty on the matter referred to them, and that such report should be laid before both Houses of Parliament within fourteen days after the making thereof, if Parliament should then be sitting, and if not, then within fourteen days after the next meeting of Parliament: 34 & 35 Vict. c. 93.

And whereas additional powers were conferred upon the said Commissioners by the Epping Forest Amendment Act, 1872, which was incorporated with the said Act of 1871: 35 & 36 Vict. c. 95.

And whereas by the Epping Forest Act, 1873, and by the Epping Forest Act, 1875, respectively, the time for making the said report was extended, and will, unless further enlarged, expire on the 19th day of March 1876. 36 Vict. c. 3. 38 Vict. c. 6.

And whereas it is expedient further to extend the time for making the said final report and the time when such report shall be presented to both Houses of Parliament:

May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Time for making final report and for exercise of Commissioners power extended.

1. In case the said Commissioners shall be unable to make their final report to Her Majesty within the period limited by the Epping Forest Act, 1875, it shall be lawful for the said Commissioners to make the said report at any time within one year from the passing of this Act, and all the powers conferred on the said Commissioners

A.D. 1876.

and on the Commissioners of Her Majesty's Works and Public Buildings respectively by the said recited Acts shall be and the same are hereby extended until the Commissioners shall make the said final report to Her Majesty within the period herein-before mentioned.

Final report to be laid before Parliament.

2. The said final report shall be laid before both Houses of Parliament within fourteen days after the making thereof, if Parliament be then sitting, and if not, then within fourteen days after the next meeting of Parliament.

Short title.

3. This Act may be cited for all purposes as "The Epping Forest Act, 1876."

Epping Forest.

A

BILL

To extend the Time for the Epping Forest Commissioners to make their Final Report.

(*Prepared and brought in by Lord Henry Lennox and Mr. William Henry Smith.*)

Ordered, by The House of Commons, *to be Printed,* 11 *February* 1876.

[Bill 66.]

Under 1 *oz.*

A

B I L L

FOR

The Improvement of the Navigation of the Lough and River Erne. A.D. 1876.

WHEREAS the improvement of the navigation of the waters known as the Lough and River Erne, in the counties of Fermanagh, Cavan, Monaghan, and Donegal, will contribute to the general prosperity, commerce, agriculture, and revenue of Ireland, and also tend to the advantage and improvement of the respective counties and districts adjoining such navigation:

And whereas certain surveys have been made whereby it appears that the whole extent of the said waters, embracing several miles of continuous navigation may be improved and thrown open, and rendered more effectually navigable by the execution of divers proposed works:

And whereas in pursuance of the Act of Parliament passed in the fifth and sixth year of the reign of Her present Majesty, chapter eighty-nine, herein-after called the Principal Act, intituled "An Act to promote the drainage of lands, and improvement of "navigation and water power in connexion with such drainage, "in Ireland," and of the several Acts amending and extending the same, works were heretofore contemplated for the improvement of the navigation aforesaid, and for the drainage of lands adjacent to said lake and river; and for that purpose a grant of a considerable sum of money was approved by and on behalf of the Commissioners of Her Majesty's Treasury, but by reason of the proprietors of two thirds in extent of the land then proposed to be drained not having given their assent as required by the said Principal Act, the said works were not executed: 5 & 6 Vict. c. 89.

And whereas certain persons interested in the lands aforesaid injured by floods rising from the waters of said lough and river have in pursuance of "The Drainage and Improvement of Lands Act (Ireland) 1863," instituted the proceedings thereby provided 26 & 27 Vict. c. 88.

A.D. 1876.

for constituting an elective drainage district; and it is expedient that the necessary works for improving the navigation aforesaid should be executed under the direction of the drainage board to be constituted under said last-mentioned Act, and that the cost of such navigation works should be provided for by a grant out of the public funds, not exceeding the sum of fifteen thousand pounds, such sum not being more than one half of the expenditure on the said works, and that the residue of the cost should be advanced by way of loan on the condition that same shall be secured, to be repaid with interest at a rate of not less than four per cent. per annum as herein-after provided:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of same:

The Drainage Board to execute works necessary for the improvement of the navigation.

1. That, notwithstanding anything in the said Principal Act or any of the Acts amending the same contained, the Drainage Board for the Lough Erne Drainage District shall, when duly constituted, make, do, and execute all and every the works necessary for the improvement of the navigation of said waters known as Lough and River Erne, in the counties of Fermanagh, Cavan, Monaghan, and Donegal, and for that purpose all the powers and authorities conferred by the said Principal Act, or any of the Acts amending same, on the Commissioners of Public Works, (being the Commissioners for the execution of the said Principal Act) in relation to the improvement of navigation, shall be and the same are hereby vested in the said Drainage Board, when constituted, subject however to the proviso that the execution of such works shall not be proceeded with by said Drainage Board unless the said Drainage District shall have been duly constituted within three years from the passing of this Act, nor until the approval of the Commissioners of Public Works in Ireland, herein-after called "Commissioners," shall have been first obtained, such consent to be expressed under the hand of the secretary for the time being of the said Commissioners.

Surveys and maps of the navigation works to be prepared.

2. The said Drainage Board shall cause to be prepared surveys, maps, plans, and sections of the said navigation works, and all other documents necessary in relation to the most effectual and judicious mode of improving the said navigation, and of opening and clearing the river or rivers flowing from and into said lough, and of carrying into execution all such works as they shall find necessary in relation thereto, and shall likewise ascertain the proper and correct places

A.D. 1876.

for the formation of such havens, piers, wharfs, and landing-places as they shall think necessary, distinguishing such of them as ought to form part of the works to be undertaken in pursuance of this Act, and also a plan and estimate, with proper plans, maps, drawings, and sections, and elevations thereto attached, showing and describing the said navigation and the several works proper in their judgment to be executed for the clearing and improving the same in connexion with the works for confining the waters thereof and preventing the inundation of the contiguous lands and the proper places for the erection of toll-houses, together with all such other works as the said Drainage Board may deem necessary and expedient, and the same or copies thereof shall be furnished to the Commissioners for their approval, who shall take the same into their consideration, and inquire into and ascertain by the examination of witnesses, or by any such other ways and means as they shall think proper, whether such maps, plans, sections, and estimates require any and what alteration or amendment, and the said Commissioners shall accordingly cause the same to be altered and amended as they may deem proper, and the expenses incurred by the Commissioners in respect thereof shall be defrayed by the said Drainage Board, and form part of the expenses of the undertaking aforesaid.

Funds provided for expenses of works.

3. It shall and may be lawful for the said Commissioners, out of the funds from time to time at their disposal, by and with the consent and approbation of the Commissioners of Her Majesty's Treasury, to make advances *by way of grant to an amount not exceeding in the whole the sum of fifteen thousand pounds, such sum not being more than one half of the expenditure on such works; and it also shall and may be lawful for the said Commissioners, with the like consent and approbation, to advance* by way of loan the residue of the cost of such works, such loan, with interest at a rate of not less than *four pounds per centum per annum*, to be repaid as herein-after provided, such grant and loan to be made subject to such rules and regulations and conditions as the said Commissioners of Her Majesty's Treasury may think proper from time to time to make.

Grand juries of counties Fermanagh, Cavan, Monaghan, and Donegal to make presentments in repayment of loan.

4. The respective grand juries of each of the counties aforesaid shall from time to time make such presentment or presentments as may be necessary for the repayment of such loan, and charged in such proportions and upon such baronies, half-baronies, or parts of baronies, and payable at such rate of interest, and in such instalments as the said Commissioners, with the approval of the Commissioners of Her Majesty's Treasury, shall direct, and it shall

A.D. 1876.

not be necessary for any application in respect of any such presentment or presentments to be submitted to, approved of by, or passed at any presentment sessions.

Acts incorporated.

5. The several Acts or parts of Acts mentioned and set forth in the schedule hereto, so far as their provisions relate to or are in any way connected with or applicable to the improvement of navigation and making or maintaining of navigation works, and are not expressly repealed by, inconsistent with, or varied by the provisions hereof, shall be and the same are hereby incorporated with this Act, and the term "Commissioners," or "Commissioners of Public Works" in Ireland, in any of the said Acts contained, shall extend to and include the said Drainage Board, so far as is necessary for the purpose of enabling the said Board to carry into effect the provisions of this Act.

SCHEDULE referred to.

Acts.	Portion of Acts incorporated.
5 and 6 Vict. c. 89. - -	The whole Act, save the repealed portions or sections thereof.
9 Vict. c. 4. - -	The whole Act.
16 and 17 Vict. c. 130. -	The whole Act.
18 and 19 Vict. c. 110. -	The whole Act.
19 and 20 Vict. c. 62. -	Section 30.
26 and 27 Vict. c. 88. -	The whole Act, save and except the following mentioned sections, viz., 1, 2, 3, 4, 6, 7, 8, 9, 12, 13, 14, 15, 16, 33, 34, 35, 36, 37, 38, and the repealed portions or sections thereof.
27 and 28 Vict. c. 72. -	Sections 1 and 2.
29 and 30 Vict. c. 49. -	The whole Act.
32 and 33 Vict. c. 72. -	The whole Act.
35 and 36 Vict. c. 31. -	The whole Act.
37 and 38 Vict. c. 32. -	Sections 1, 2, and 3.

Erne Lough and River.

A

B I L L

For the Improvement of the Navigation of the Lough and River Erne.

(*Prepared and brought in by Mr. William Henry Smith and Sir Michael Hicks Beach.*)

Ordered, by The House of Commons, *to be Printed,* 8 *June* 1876.

[Bill 187.]

A

BILL

TO

Raise a sum by Exchequer Bonds. A.D. 1876

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled, towards making good the supply which we have cheerfully granted to Your Majesty, have resolved to grant unto Your Majesty the sum herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Treasury may raise 4,080,000*l.* by Exchequer bonds.

1. Towards raising the supply granted to Her Majesty for the service of the year ending on the thirty-first day of March one thousand eight hundred and seventy-six, or towards repaying to the Consolidated Fund sums issued in respect of such supply, it shall be lawful for the Commissioners of Her Majesty's Treasury, at any time or times not later than one month after the said thirty-first day of March, to raise any sum or sums, not exceeding in the whole four million and eighty thousand pounds, by the issue of Exchequer bonds, bearing interest at a rate not exceeding three and a half per centum per annum.

Interest on bond and repayment of principal.

2. The principal of and interest on all bonds issued in pursuance of this Act shall be charged upon and issued out of the Consolidated Fund of the United Kingdom, or out of the growing produce thereof.

So long as any bonds issued in pursuance of this Act remain current, there shall be charged on and issued out of the Consolidated Fund of the United Kingdom, or out of the growing produce thereof, at such times and in such manner as the Treasury may from time to time direct, an annual sum not exceeding two hundred thousand pounds; and such sum shall be applied, first in paying the interest

A.D. 1876.

on the bonds issued in pursuance of this Act which remain current, and secondly, in purchasing or paying off and discharging the bonds issued in pursuance of this Act; and all bonds so purchased shall be cancelled and made void in manner provided by the Exchequer Bills and Bonds Act, 1866, with respect to Exchequer bonds paid off and discharged.

In the year in which the last bonds issued in pursuance of this Act are paid off and discharged, so much only of the said annual sum need be charged on and issued out of the Consolidated Fund as is required to pay off and discharge such bonds and to pay the interest thereon.

Duration of bonds and application of 29 & 30 Vict. c. 25. to bonds.

3. Each bond issued in pursuance of this Act shall provide for the paying off and discharging of such bond at par, at the expiration of the period (not exceeding thirty-six years from the date of the bond) specified in the bond, or at any earlier date to be fixed by the Treasury in the manner and under the conditions specified in the bond, and shall also provide for the bond ceasing to be current and ceasing to bear interest after the time for paying off the same.

The bonds shall so far as practicable be paid off and discharged in accordance with their numerical order.

Each bond shall be issued with coupons for the interest from time to time becoming due on such bond during the currency thereof.

Subject as aforesaid, bonds issued in pursuance of this Act shall be issued in manner provided by the Exchequer Bills and Bonds Act, 1866, and section fifteen of that Act (which relates to the forgery of Exchequer bills and coupons) shall apply to all Exchequer bonds issued in pursuance of this Act in like manner as if it were herein enacted with the substitution of Exchequer bond for Exchequer bill.

Payment of money raised to Consolidated Fund.

4. All money raised by Exchequer bonds issued in pursuance of this Act shall be paid into the receipt of Her Majesty's Exchequer, and carried to the Consolidated Fund of the United Kingdom.

Short title of 29 & 30 Vict. c. 25. and this Act.

5. The Act of the session of the twenty-ninth and thirtieth years of the reign of Her present Majesty, chapter twenty-five, intituled "An Act to consolidate and amend the several laws regulating the "preparation, issue, and payment of Exchequer bills and bonds," is in this Act referred to as the Exchequer Bills and Bonds Act, 1866, and that Act and this Act may be cited together as the Exchequer Bills and Bonds Acts, 1866 and 1876.

This Act may be cited as the Exchequer Bonds Act, 1876.

Exchequer Bonds (£4,080,000).

A

BILL

To raise a sum by Exchequer Bonds.

(*Prepared and brought in by Mr. Raikes, Mr. Chancellor of the Exchequer, and Mr. William Henry Smith.*)

Ordered, by The House of Commons, *to be Printed.*
28 *February* 1876.

[Bill 89.]

Under 1 *oz.*

A

B I L L

TO

Make provision for the Disposal of certain Lands appropriated for the supply of materials for the repair of public and private roads. A.D. 1876.

WHEREAS it is expedient to provide for the disposal of certain lands herein described appropriated for the supply of materials to be used in the repair of the public and private roads:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Sale of exhausted gravel pits wherein there are private or other interests.

1. Where land has been allotted to or otherwise acquired by a parish, whether in the name of the surveyor of highways or other trustees, or generally for the purpose of the supply of materials for the repair of the public roads and highways in such parish, and also for the repair of private roads therein, or for some other purpose, public or private, and the materials in such land shall be exhausted, and the land shall not be available for such other purpose, if any, the same shall be dealt with as land which falls within the operation of the Union and Parish Property Act, 1835, and the Parish Property and Parish Debts Act, 1842, subject to the provisions herein-after contained.

Local Government to hear and decide on objections and claims.

2. Before issuing their order for the sale of the land, the Local Government Board shall hear and decide upon every objection and claim made in writing by any person claiming an interest therein, within three months from the passing of the resolution for the sale of the land, and shall either refuse to sanction the sale, or allow it to proceed, providing, if necessary, for the interest of every person establishing the same out of the purchase money.

Disputed claims and interests of disabled persons.

3. If there be disputed claims to any interest in the said land, or if the person entitled to such interest be under legal disablility, the Board shall direct that proceedings may be taken in the High Court of Justice, or, where the amount of the value in question

A.D. 1876.

shall not exceed fifty pounds, in the county court, for the settlement of such dispute, or for the proper disposal of such amount where there is no such dispute.

Right of pre-emption by adjoining owner.

4. When the Board shall see fit they may order that the land shall be offered to the owner or owners, as the case may be, of the adjoining land, at a price to be settled in such manner as the Board shall deem most expedient, and if such owner or owners shall be willing to purchase the same at such price the same shall be sold to such owner or owners, and not otherwise; and the declaration of such owner or owners as to their willingness to purchase shall be given within a time to be appointed by the said Board.

Mines how to be dealt with.

5. Where any right to mines or minerals under the land is claimed by the lord of the manor or other person, the Board may, if they see fit, reserve the same in their order for sale, or may order the sale subject to the right so claimed.

Appropriation of the interest of the parish in the produce of the sale.

6. The said Board, in dealing with the interest of the parish in the produce of the sale, shall cause such produce to be applied as far as practicable in the repair of the highways in the parish, or in some permanent improvement of the highways, or in an investment, so that the annual dividends may be applicable in aid of the highway rate until the Board shall otherwise order.

Interpretation of the word "parish."

7. The word "parish" shall include every township or other place separately maintaining its own highways, except that where such township is not a parish within the operation of the above-mentioned Acts the proceedings to be taken under them shall be restricted to such township.

Title of the Act.

8. This Act shall be termed "The Sale of Exhausted Parish Lands Act, 1876."

Exhausted Parish Lands.

A

BILL

To make provision for the Disposal of certain Lands appropriated for the supply of materials for the repair of public and private Roads.

(*Prepared and brought in by Mr. Sclater-Booth and Mr. Sait.*)

Ordered, by The House of Commons, *to be Printed,* 14 *July* 1876.

[Bill 252.]

Under 1 *oz.*

A

B I L L

TO

Continue various expiring Laws. A.D. 1876.

WHEREAS the several Acts mentioned in column one of the schedule to this Act are, to the extent specified in column two of that schedule, limited to expire on the thirty-first day of December one thousand eight hundred and seventy-six:

And whereas it is expedient to provide for the continuance as in this Act mentioned of such Acts, and of the enactments amending the same:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the Expiring Laws Continuance Act, 1876.

Continuance of Acts in schedule.

2. The Acts mentioned in column one of the schedule to this Act, in so far as they are temporary in their duration, shall, to the extent in column two of the said schedule mentioned, be continued until the *thirty-first day of December one thousand eight hundred and seventy-seven*, and to the end of the then next session of Parliament, and any enactments amending or affecting the enactments continued by this Act shall, in so far as they are temporary in their duration, be continued in like manner.

A.D. 1876.

SCHEDULE.

1. Original Acts.	2. How far continued.	3. Amending Acts.
(1) 5 & 6 Will. 4. c. 27. Linen, Hempen, Cotton, and other Manufactures (Ireland).	The whole Act so far as it is not repealed.	3 & 4 Vict. c. 91. (except ss. 18 and 23). 5 & 6 Vict. c. 68. 7 & 8 Vict. c. 47. 30 & 31 Vict. c. 60.
(2) 3 & 4 Vict. c. 89. Poor Rates, Stock in Trade Exemption.	The whole Act.	——
(3) 4 & 5 Vict. c. 35. Copyhold, Inclosure, and Tithe Commissioners.	So much as relates to the appointment of and the period for holding office by Commissioners and other officers.	14 & 15 Vict. c. 53. 25 & 26 Vict. c. 73.
(4) 4 & 5 Vict. c. 59. Application of Highway Rates to Turnpike Roads.	The whole Act.	——
(5) 10 & 11 Vict. c. 32. Landed Property Improvement (Ireland).	As to powers of Commissioners.	12 & 13 Vict. c. 59. 13 & 14 Vict. c. 31. 25 & 26 Vict. c. 29. 29 & 30 Vict. c. 40.
(6) 10 & 11 Vict. c. 98. Ecclesiastical Jurisdiction.	As to provisions continued by 21 & 22 Vict. c. 50.	——
(7) 11 & 12 Vict. c. 32. County Cess (Ireland).	The whole Act - -	20 & 21 Vict. c. 7.
(8) 11 & 12 Vict. c. 107. Sheep and Cattle Diseases.	The whole Act as to Ireland.	16 & 17 Vict. c. 62. 29 & 30 Vict. c. 4. 33 & 34 Vict. c. 36. 35 & 36 Vict. c. 16. 37 & 38 Vict. c. 6.
(9) 14 & 15 Vict. c. 104. Episcopal and Capitular Estates Management.	The whole Act so far as it is not repealed.	17 & 18 Vict. c. 116. 22 & 23 Vict. c. 46. 23 & 24 Vict. c. 124. 31 & 32 Vict. c. 114. s. 10.
(10) 17 & 18 Vict. c. 102. Corrupt Practices Prevention.	The whole Act so far as it is not repealed.	21 & 22 Vict. c. 87. 26 & 27 Vict. c. 29. 31 & 32 Vict. c. 125.
(11) 23 & 24 Vict. c. 19. Dwellings for Labouring Classes (Ireland).	The whole Act.	——
(12) 24 & 25 Vict. c. 109. Salmon Fishery (England) Act.	As to appointment of inspectors, s. 31.	——

1. Original Acts.	2. How far continued.	3. Amending Acts.
(13) 25 & 26 Vict. c. 97. Salmon Fisheries (Scotland).	As to the powers of commissioners, &c.	26 & 27 Vict. c. 50. 27 & 28 Vict. c. 118.
(14) 26 & 27 Vict. c. 105. Promissory Notes.	The whole Act.	——
(15) 27 & 28 Vict. c. 9. Malt for Animals.	The whole Act.	——
(16) 27 & 28 Vict. c. 20. Promissory Notes and Bills of Exchange (Ireland).	The whole Act.	——
(17) 28 & 29 Vict. c. 46. Militia Ballots Suspension.	The whole Act.	——
(18) 28 & 29 Vict. c. 66. Charging of Malt Duty by Weight.	The whole Act so far as it is not repealed.	29 & 30 Vict. c. 64.
(19) 28 & 29 Vict. c. 83. Locomotives on Roads.	The whole Act.	——
(20) 29 & 30 Vict. c. 52. Prosecution Expenses.	The whole Act.	——
(21) 31 & 32 Vict. c. 125. Election Petitions and Corrupt Practices.	The whole Act.	——
(22) 32 & 33 Vict. c. 21. Election Commissioners Expenses.	The whole Act - -	34 & 35 Vict. c. 61.
(23) 34 & 35 Vict. c. 87. Sunday Observance Prosecutions.	The whole Act.	——
(24) 34 & 35 Vict. c. 105. Petroleum.	The whole Act.	——

Expiring Laws Continuance.

A

B I L L

To continue various Expiring Laws.

(*Prepared and brought in by Mr. William Henry Smith and Mr. Secretary Cross.*)

Ordered, by The House of Commons, *to be Printed*, 1 *August* 1876.

[Bill 281.]

Under 1 *oz.*

A

B I L L

TO

Amend the Law of Relief against Forfeiture for Breach of Covenant or Condition. A.D. 1876.

WHEREAS relief is granted against forfeiture for nonpayment of rent:

And whereas by section four of the Act of the twenty-second and twenty-third years of the reign of Her Majesty, chapter thirty-five, intituled "An Act to further amend the law of property and to "relieve trustees," it is enacted that a court of equity shall have power to relieve against a forfeiture for breach of a covenant or condition to insure against loss or damage by fire when no loss or damage by fire has happened, and the breach has in the opinion of the court been committed through accident or mistake, or otherwise without fraud or gross negligence, and there is an insurance on foot at the time of the application to the court in conformity with the covenant to insure upon such terms as to the court may seem fit:

And whereas by section five of the said Act it is enacted that the court where relief shall be granted shall direct a record of such relief having been granted to be made by indorsement on the lease or otherwise:

And whereas by section six of the said Act it is enacted that the court shall not have power under the said Act to relieve the same person more than once in respect of the same covenant or condition; nor shall it have power to grant any relief under the said Act where a forfeiture under the covenant in respect of which relief is sought shall have been already waived out of court in favour of the person seeking the relief:

And whereas it is expedient to amend the law of relief against forfeiture for breach of covenant or condition in manner herein appearing:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

[Bill 259.]

A.D. 1876.

Short title.

1. This Act may be cited for all purposes as the Forfeiture Relief Act, 1876.

Repeal of sections 5 and 6 of 22 & 23 Vict. c. 35.

2. Sections five and six of the said recited Act shall be and are hereby repealed.

Relief against forfeiture under leases.

3. Relief may be granted against forfeiture for breach of covenant or condition under any lease in all cases (including cases of insurance) in like manner as relief is now granted against forfeiture for nonpayment of rent.

Terms of relief under leases.

4. The terms of relief under the preceding section may, according to the circumstances and requirements of each case, be all or any of the following; that is to say,

(1.) That the default which occasioned the breach and the damage (if any) consequential on the default be made good or compensated as far as practicable:

(2.) That security be given for the future performance or observance of the covenant or condition in respect of which the breach arose, or of any other covenant or condition a breach of which would be within the same provision of forfeiture as that in respect of which the relief is granted, or any other provision of forfeiture affecting the same property as that to which the relief is applicable:

The security may be made by means of any investment in the names of trustees, with all necessary and proper provisions for raising and applying any moneys requisite for the future performance or observance of any covenant or condition, and for making good and compensating any future default, or any damage consequential on any future default in such performance or observance:

(3.) That every or any person entitled to the benefit of the provision of forfeiture, either at the time of the relief being granted or at any time afterwards, be empowered to do anything or everything which shall be requisite for the future performance or observance of the covenant or condition in respect of which the breach arose, or of any other covenant or condition a breach of which would be within the same provision of forfeiture as that in respect of which the relief is granted, or any other provision of forfeiture affecting the same property as that to which the relief is applicable, and be empowered to do anything or everything which shall be requisite for making good any future default and any damage consequential on any future default in such performance or observance, and be

empowered to recover by action against the owner for the time being of any property subject to the provision of forfeiture, and by distress on any such property, or by either of those modes, all or any of the expenses incurred in the exercise of this power, including the costs of recovery:

(4.) That an injunction be awarded for the future performance or observance of the covenant or condition in respect of which the breach arose, or of any covenant or condition a breach of which would be within the same provision of forfeiture as that in respect of which the relief is granted, or any other provision of forfeiture affecting the same property as that to which the relief is applicable:

(5.) That all costs, charges, and expenses properly incurred by the person entitled to the benefit of the provision of forfeiture in relation to the breach in respect of which the relief is granted, including any proceedings for enforcing the forfeiture and the action or claim for relief, be paid by the applicant for relief:

(6.) That any other thing be done by way of indemnity for the past, or protection for the future, to every or any person entitled, either at the time of the relief being granted or at any other time, to the benefit of the provision of forfeiture in respect of which the relief is granted, on the footing of such provision being deemed a security for the due performance or observance of the covenant or condition in respect of which the breach arose, or of any other covenant or condition a breach of which would be within such provision of forfeiture, or any other provision of forfeiture affecting the same property as that to which the relief is applicable.

Relief in other cases.

5. Relief may in like manner be granted against forfeiture for breach of any covenant, stipulation, or condition under any agreement for a lease, or any assignment or agreement for an assignment of any leasehold interest, or any conveyance either in fee or for a less estate or interest of any hereditaments in consideration of a rent, or by way of sale or any contract for any such conveyance.

Order for security.

6. At any time after the commencement of an action, or the making of a claim for relief under this Act, the person entitled to the benefit of the provision of forfeiture, may apply for an order for money to be brought into court as security for the payment of the costs and damages, and the performance of the terms which he may

A.D. 1876.

become or be entitled to in respect of the breach, or of the action or claim for relief, or any of such matters; and upon such application it may be ordered accordingly; and it may be ordered that proceedings in the action or on the claim be stayed in the meantime, until the payment into court, and that in default of such payment within a time, to be fixed in that behalf by the same or any subsequent order, the action or claim be dismissed, and the relief claimed therein be absolutely barred.

Interpretation.

7. In this Act—

The expression "lease" shall include an underlease and an appointment by way of lease under a power; and

The expression "forfeiture" shall include a right of re-entry or entry, and a cessor of any term, estate, or interest, and a right of refusal to renew a lease or to grant or convey any term, estate, or interest, or to do or omit any other act or thing.

Act not to extend to Scotland.

8. This Act shall not extend to Scotland.

Forfeiture Relief.

A

B I L L

To amend the Law of Relief against Forfeiture for Breach of Covenant or Condition.

(Prepared and brought in by Mr. Marten, Mr. Osborne Morgan, and Mr. Gregory.)

Ordered, by The House of Commons, *to be Printed,* 19 *July* 1876.

[Bill 259.] *Under* 1 *oz.*

A

B I L L

TO

Amend the Friendly Societies Act, 1875. A.D. 1876.

WHEREAS it is expedient to amend on some points the Friendly Societies Act, 1875:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Construction of Act. Short title.

1. This Act shall be construed as one with the Friendly Societies Act, 1875, (herein termed "the principal Act,") and may be cited as "The Friendly Societies Amendment Act, 1876," or together with the principal Act as "The Friendly Societies Acts."

Meaning of "Treasury regulations."

2. In this Act the term "Treasury regulations" means any regulations made and approved by the Treasury and for the time being in force under and by virtue of the principal Act.

Conversion of registered societies into branches.

3. With respect to the conversion of registered societies into branches the following provisions shall have effect:

(1.) A society registered before the *first day of January one thousand eight hundred and seventy-six* may, by a resolution passed by three fourths of the members present and entitled to vote at any general meeting, of which notice specifying the intention to propose such resolution has been duly given according to the rules, determine to become a branch under the Friendly Societies Acts of any other registered society, and also, if thought fit, of any registered branch thereof; and if the rules of such society do not comply with all the provisions of the principal Act and of the Treasury regulations in respect of the registry of branches, the meeting at which such resolution is passed may amend such rules so as to bring the same in compliance with the principal Act and with the Treasury regulations.

A.D. 1876.

(2.) A copy of the rules of such first-mentioned society marked to show the amendments, if any, made at such meeting, and two copies of such resolution as aforesaid, and of such amendment of rules, if any, each signed by the chairman of the meeting and by the secretary of the society so determining to become a branch of any other society, and countersigned by the secretary of such other society, shall be sent to the registrar, and if the registrar finds that such rules, with or without such amendment as aforesaid, comply with the provisions of the Act and of the Treasury regulations, he shall cancel the registry of such first-mentioned society and register the same as a branch of such other society, and also, if so specified in the resolution before mentioned, of any branch of such other society, without further request or notice, and shall register such amendment of rules without further application or evidence, and until such registry such resolution as aforesaid shall not take effect.

(3.) No advertisement of any cancelling of registry under this section shall be requisite.

(4.) The rules of a society which becomes a branch under this section shall, so far as the same are not contrary to any express provision of the principal Act or of the Treasury regulations, and subject to any amendment thereof as herein-before provided, continue in force as the rules of such branch until amended.

Registered societies may contribute to funds of other societies.

4. Nothing in the principal Act or in this Act contained shall prevent any registered society or branch from contributing to the funds or taking part by delegates or otherwise in the government of any other registered society or registered branch of a society, as may be provided in the rules of such first-named society or branch, without becoming a branch under the Friendly Societies Acts of such other society or branch.

Forms of acknowledgment of registry for branches.

5. The acknowledgment of registry of a branch, and of any amendment of the rules of a branch, shall be in the forms provided in the schedule to this Act.

Term "society" when to include registered branch.

6. It is declared that the word "society" extends to a registered branch in sub-sections (5) and (6) of section 13, sub-sections (2), (3), and (4) of section 14, sub-sections (1) to (7), both included, (9) and (10) of section 15, sub-sections (1), (6), (7), (9), and (10) of section 16, sections 17, 19, and 20, sub-sections (2) and (4) of

section 21, sections 22, 26, 28, 30, 31, 32, and 33 of the principal Act.

Certificates of deaths at sea not required.

7. Section 14, sub-section (2) of the principal Act shall not apply to deaths at sea.

What shall be sufficient distribution of annual return.

8. It shall be a sufficient compliance with section 14, sub-section (1), sub-head (*h*) of the principal Act, if the society supplies gratuitously every member or person interested with a balance sheet or other document duly audited, containing the same particulars as to the receipts and expenditure, funds and effects of the society as are contained in the annual return.

Relatives may be nominees though officers or servants of the society.

9. Section 15, sub-section (3) of the principal Act shall be read as if after the words "not being an officer or servant of the society" there were inserted the words "unless such officer or servant is the "husband, wife, father, mother, child, brother, sister, nephew, or "niece of the nominator."

Notice of proceedings or order to set aside dissolution.

10. Notice shall be sent to the central office of any proceeding to set aside the dissolution of a society or branch, not less than seven days before it is commenced, by the person taking such proceeding, and of any order setting a dissolution aside, by the society or branch, within seven days after such order is made.

Correction of misprint in Schedule II.

11. In Schedule II. to the principal Act the provision marked 5 and beginning with the words "the right of one fifth" shall be read as if, instead of the words "five thousand," there were inserted therein the words "ten thousand."

A.D. 1876.

SCHEDULE.

Acknowledgment of Registry of Branch.

The is registered as a branch of the society [and of the branch of the same] under the Friendly Societies Act, 1875, this day of

[*Seal of central office or signature of assistant registrar for Scotland or Ireland.*]

Acknowledgment of Registry of Amendment of Branch Rules.

The foregoing amendment of the branch rules of the is registered under the Friendly Societies Act, 1875, this day of

[*Seal of central office or signature of assistant registrar for Scotland or Ireland.*]

Friendly Societies Act (1875) Amendment.

A

BILL

To amend the Friendly Societies Act, 1875.

(Prepared and brought in by Mr. Chancellor of the Exchequer and Mr. William Henry Smith.)

Ordered, by The House of Commons, *to be Printed,* 30 *May* 1876.

[Bill 177.] *Under* 1 *oz.*

LORDS AMENDMENTS

TO THE

FRIENDLY SOCIETIES ACT (1875) AMENDMENT BILL.

Note.—*The page and line refer to the Bill* (149.) *as first printed by the Lords.*

Page 3.

Line 6, leave out ("custody") and insert ("care")

Line 12, leave out ("custody") and insert ("care"), and leave out ("book")

Line 26, at end of clause 10. add ("and sub-section (6.) of the "said section shall be read as if instead of the words "absent from "England or Ireland respectively" there were substituted the "words "absent from Great Britain or Ireland respectively" ")

[Bill 249.]

LORDS AMENDMENTS

TO THE

FRIENDLY SOCIETIES ACT (1875) AMENDMENT BILL.

Ordered, by The House of Commons, *to be Printed*, 14 *July* 1876.

[Bill 243.]

Under 1 *oz.*

Game Laws (Scotland).

ARRANGEMENT OF CLAUSES.

Clause.
1. Title and extent of Act.
2. Commencement of Act.
3. Interpretation clause.
4. Right of taking and killing game to be in the lessee, unless reserved by the lessor.
5. Lessee being of opinion that damage to his crops exceeds the sum mentioned in his lease, to intimate the same to the lessor.
6. When right of game reserved by lessor, lessee to be liable in damage if he kills or takes game or rabbits.
7. Provisions as to actions of damage between lessor and lessee.
8. Provisions as to arbitrations for settling claims of damage between lessors and lessees.
9. Contract restraining lessee from pursuing, &c. hares, &c. not to be enforced by interdict.
10. Lessee may kill hares and rabbits without gun license or game certificate.
11. Authority to kill hares, &c. to be limited to one person at the same time in any one parish.
12. Prosecutions under game laws to be before the sheriff.
13. No person to be prosecuted again for the same offence.
14. Leases or agreements about game existing at passing of this Act not to be affected by it.

SCHEDULES.

A

B I L L

TO

Amend the Laws relating to Game in Scotland.

WHEREAS divers Acts of Parliament have from time to time been passed relating to the preservation of game in Scotland, and these Acts are enumerated in Schedule one to this Act annexed, and are in this Act referred to as the "Game Laws;" A.D. 1876.

And whereas by the Common Law of Scotland the sole right of taking and killing game belongs to the proprietor of the land;

And whereas it is expedient that these laws should be amended in this respect;

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Title and extent of Act.

1. This Act may be cited for all purposes as "The Game Laws "Amendment (Scotland) Act, 1876," and shall apply to Scotland only.

Commencement of Act.

2. This Act shall commence and come into operation on *the first day of January one thousand eight hundred and seventy-seven*, which day is hereafter referred to as the commencement of this Act.

Interpretation clause.

3. In this Act, unless there be something in the subject or context repugnant to such construction,

1. The word "lessor" shall mean the grantor of any lease of land for any term not less than twelve months, and also the person or persons for the time in the right and subject to the obligations of the grantor with respect to such lease;
2. The word "lessee" shall mean the grantee of any lease of land for any term not less than twelve months, and also the person or persons for the time in the right and subject to the obligations of the grantee with respect to such lease;
3. The word "sheriff" shall include sheriff substitute;
4. The word "county" shall include stewartry.

A.D. 1876.

Right of taking and killing game to be in the lessee, unless reserved by the lessor.

4. The sole right of taking and killing game as defined in the Acts enumerated in Schedule I. to this Act, and other wild animals, upon any land, shall, from and after the commencement of this Act, unless the same be effectually reserved to himself by the lessor, be in the lessee in occupation of such land, subject to the following provisions:

1. The lessee shall occupy the land under a lease made subsequently to the commencement of this Act:
2. The lessee shall not be entitled to assign such right apart from the lease to any person without the lessors consent in writing:
3. A reservation of such right by the lessor shall not be effectual unless the lease set forth the amount of damage agreed upon to be done annually to the crops of the lessee by game and other wild animals, without compensation; and the lessee shall only be entitled to recover from the lessor damage done beyond such stipulated sum:

The lessor shall be returned in the Valuation Roll as proprietor and tenant of the game, at a rent equal to the stipulated sum named in the lease, on which sum he shall be assessed for rates and taxes.

Lessee being of opinion that damage to his crops exceeds the sum mentioned in his lease, to intimate the same to the lessor.

5. In the event of a lessee in occupation of land under a lease made subsequently to the commencement of this Act, being of opinion that the damage to his crops by game and other wild animals in any one year during the lease has exceeded the sum named in the lease, he shall intimate this opinion to the lessor in writing, stating at the same time that it is his intention to bring the case before the sheriff, unless the lessor take steps to compensate the lessee for such excess of damage; and the same may be recovered in the form and manner herein-after provided.

When rights of gams reserved by lessor, lessee to be liable in damage if he kills or takes game or rabbits.

6. Any lessee, who by himself or others for whom he is responsible, hunts, takes, or kills game or other wild animals, contrary to the terms of his lease, shall be liable in damages to the lessor for breach of contract; and the same may be recovered in the usual form and manner.

Provisions as to actions of damage between lessor and lessee.

7. With regard to actions for the recovery of damages under this Aet, the following provisions shall have effect:

1. No such action at the instance of a lessor against a lessee shall be competent unless brought within *three months* of the date of the breach of contract complained of:
2. No such action at the instance of a lessee against a lessor shall be competent unless the lessec shall have given to the lessor

notice in writing of his intention to bring the same, in the case of the damages being done to growing crop, at least *three weeks* before the crop is reaped or raised, and in the case of damages to crop reaped or raised, at least three weeks before it is removed from the land; A.D. 1876.

3. Failing agreement as to the amount of damage, or a reference to arbiters to settle the same, any such action may be brought in the sheriff court of the county within which the lands (or any part thereof) are situated. The application to the sheriff shall be made by summary petition, setting forth the terms of the lease and the particulars of the damage complained of, and praying for a valuation and for payment of the amount:

On considering such petition the sheriff shall appoint it to be intimated within four days after the presention of such petition to the lessor in common form, and shall forthwith, with or without answers, appoint a valuator to value such damage, and report:

It shall be competent to either party to be heard before the sheriff in support of or in objection to the report of the valuator, but it shall not be competent to take any further evidence; provided that the sheriff may remit to the valuator to reconsider his report, and may resume consideration of his report, with any alteration he may have made thereon. The report of the valuator, on being approved of by the sheriff, and the judgment of the sheriff, approving, altering, or rejecting the same, shall be final, and shall not be subject to review:

In the event of its being found that the damage done is less than the sum stated in the lease, the sheriff shall refuse the claim, and find the lessee liable in expenses, including a suitable fee to the person or persons making the report. But if such damage exceeds the sum stated in the lease, the sheriff shall certify the amount of such excess, and find the lessor liable in such expenses; and the sum stated in such certificate shall form a deduction from the rent of the lands occupied by the lessee, and shall be retainable from the first rent that becomes due after the date of the certificate; and in the event of there being no rent due, it shall be recovered in the usual form and manner for the recovery of an ordinary debt.

Provisions as to arbitrations for settling claims of damage between

8. When a lessor or lessee agree in writing to refer to arbitration any claim of damage arising to either against the other under this Act, the following provisions shall have effect:

1. Either party having in writing named an arbiter, and given notice of the nomination to the other party, and called on

A.D. 1876.

lessors and lessees.

him to name an arbiter, and the other party having for fourteen days after such call failed to comply therewith in writing, the arbiter nominated may settle the claim as if he had been appointed by both parties, and his award shall be final:

2. The reference, the claim, and the nomination of an arbiter may be validly made by any writing admitted or proved to be genuine, although otherwise destitute of form:

3. The arbiters named by the parties shall, before proceeding to the arbitration and in the event of their not agreeing, name in writing an oversman or umpire who shall be entitled finally to decide on the claim, in case of such disagreement:

4. The award need not in any case be a formal award or decreet-arbitral, but the written decision on the claim being admitted or proved to be genuine shall be valid and effectual in a court of law according to the true construction and tenor thereof:

5. No proceedings under this clause shall be void for want of form. In an arbitration under this clause the course of the procedure and the inquiry shall be such as the person or persons acting therein shall direct, and the award therein shall be final, and though informal may be enforced by action in any court of law.

Contract restraining lessee from pursuing, &c. hares, &c., not to be enforced by interdict.

9. No interdict or other prohibitory order of any court of law shall be granted or made to enforce any contract whereby a lessee is restrained from pursuing, killing, or taking game, or any other wild animal on the land in the occupation of which he is lessee, under a lease made subsequently to the commencement of this Act, but the lessor shall be left to his ordinary legal remedies other than interdicts, upon such contract.

Lessee may kill hares and rabbits without gun licence or game certificate.

10. From and after the commencement of this Act, it shall be lawful for any lessee, by himself or by any person directed or authorized by him in writing according to the Form in Schedule two to this Act annexed, or to the like effect, to pursue, take, kill, or destroy any hare or rabbit then being in or upon any such land, without the payment of any gun licence, and without obtaining any game certificate or licence to do so.

Authority to kill hares, &c. to be limited to one person at the same time in any one parish.

11. Provided always, and be it enacted, that no lessee shall be authorized to grant or continue, under the provisions of this Act, authority to more than one person at one and the same time to kill hares and rabbits upon the land occupied by him within any one parish: Provided also, that the lessee shall intimate to the lessor

of the said lands, or his factor, or any one to whom he may have instructed the lessee to transmit such intimation, the name of the person so authorized by the lessee.

Prosecutions under game laws to be before the sheriff.

12. From and after the commencement of this Act, all offences against the game laws now recognisable by justices of the peace shall, notwithstanding anything in those laws contained, be inquired into and determined by the sheriff of the county, or of any district of the county where the offence shall be committed, at the instance of the procurator fiscal for the county, and the powers and jurisdiction of justices of the peace and quarter sessions under these laws shall cease and determine; and all powers, authority, and jurisdiction given by any of those laws to justices of the peace shall henceforth be vested in and exercised by the sheriff as aforesaid; and any forms, styles, or procedure applicable to prosecutions or proceedings before justices of the peace shall, mutatis mutandis, be applicable to prosecutions and proceedings before the sheriff as aforesaid; and it shall be competent for the prosecutor or for the defender or party accused who shall have been brought before the sheriff substitute, in the first instance to appeal to the sheriff from the decision of the sheriff substitute in all cases in which it is declared by any of the game laws that it shall be competent to appeal from the decision of the justices to the quarter sessions, and subject to the same regulations as are provided in the said game laws.

No person to be prosecuted again for the same offence.

13. From and after the commencement of this Act, any person who has been or shall be prosecuted for any act or acts as constituting an offence under any one or more of the game laws shall not be liable to be again prosecuted for the same act or acts as constituting an offence under any other of the game laws.

Leases or agreements about game existing at passing of this Act not to be affected by it.

14. This Act shall not prejudice or affect any lease or agreement about game existing at the date of the passing of this Act.

A.D. 1876.

SCHEDULES.

The GAME ACTS referred to in this Act.

(I.)

An Act of the Parliament of Scotland, passed in the year 1587, chapter 59, intituled "Slayers of wilde-beastes committes thieft."

An Act of the Parliament of Scotland, passed in the year 1621, chapter 31, intituled "Anent hunting and haulking."

An Act of the Parliament of Scotland, passed in the year 1707, chapter 91, intituled "An Act for preserving the game."

An Act for the more effectual preservation of the game in that part of Great Britain called Scotland, and for repealing and amending several of the laws now in being relative thereto. 13 George 3, chaper 54.

An Act for the more effectual prevention of persons going armed by night for the destruction of game. 9 George 4, Chapter 69.

An Act to amend the laws in England relative to game. 1 & 2 William 4, chapter 32.

An Act for the more effectual prevention of trespasses upon property by persons in pursuit of game in that part of Great Britain called Scotland. 2 & 3 William 4, chapter 68.

An Act to continue for one year compositions for assessed taxes, and to alter the period for the expiration of game certificates, and for granting licences to deal in game. 2 & 3 Victoria, chapter 35.

An Act to extend an Act of the ninth year of King George the Fourth for the more effectual prevention of persons going armed by night for the destruction of game. 7 & 8 Victoria, chapter 29.

An Act to enable all persons having at present a right to kill hares in Scotland to do so themselves, or by persons authorized by them, without being required to take out a game certificate, 11 & 12 Victoria, chapter 20.

An Act to repeal the duties on game certificates, and certificates to deal in game, and to impose in lieu thereof duties on excise licences and certificates for the like purposes. 23 & 24 Victoria, chapter 90.

An Act to amend the laws relating to the Inland Revenue. 24 & 25 Victoria, chapter 91.

An Act for the prevention of poaching. 25 & 26 Victoria, chapter 114.

(II.) A.D. 1876.

I *A.B.* do authorize *C.D.* to kill hares and rabbits on the lands occupied by me within the (*here insert the name of the parish or other place, as the case may be*).

Dated this day of
(*here insert the day, month, and year.*)

A.B.

Witness,

Game Laws (Scotland).

A

BILL

To amend the Laws relating to Game in Scotland.

(*Prepared and brought in by Mr. M'Lagan, Sir Wm. Stirling Maxwell, Sir Edward Colebrooke, and Mr. John Maitland*).

Ordered, by The House of Commons, *to be Printed,* 9 *February* 1876.

[Bill 3.]

Under 2 *oz.*

A

B I L L

TO

Amend the Laws relating to Game in Scotland. A.D. 1876.

WHEREAS it is expedient to amend the law relative to the preservation of game in Scotland, and relative to tenants taking game : Preamble.

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may be cited as The Game Laws Amendment (Scotland) Act, 1876, and shall apply to Scotland only. Title and extent of Act.

2. In this Act, unless there be something in the subject or context repugnant to such construction, the word "tenant" shall mean any person now or hereafter in occupation of lands in Scotland under any lease, or agreement of lease, written or verbal; the word "lessor" shall mean any person entitled to the rent of such lands; the word "county" shall include stewartry, and also any ward or other like division of county or stewartry; the word "sheriff" shall include sheriff substitute. Interpretation clause.

3. *From and after the passing of this Act* it shall be lawful for any tenant in occupation of lands in Scotland under any lease or agreement of lease, where the exclusive right of killing hares is not specially reserved to the proprietor by the lease, or otherwise, to kill and destroy hares upon land in his occupation, in like manner as it is now competent for tenants in occupation of lands in Scotland to kill rabbits thereon. Tenant in occupation may kill hares.

4. A tenant who shall kill hares or rabbits in pursuance of this Act shall not thereby become liable to pay any assessed taxes, nor shall be bound, as a qualification for so killing hares or rabbits, to take out any license under Act twenty-third and twenty-fourth Victoria, chapter ninety. Tenant not required to take out license to kill hares or rabbits.

[Bill 123.]

A.D. 1876.

Tenant may appoint one person to kill hares and rabbits.

5. Any tenant of lands entitled to kill hares by virtue of this Act may, by writing under his hand, appoint not more than one person to kill hares and rabbits thereon, such person to be approved of by the landlord; and such person shall not be required to take out any license, or be liable to any duty of assessed taxes as a gamekeeper, or be deemed or be taken to be a trespasser, in terms of the Act of the second and third years of His late Majesty King William, chapter sixty-eight.

Tenant may recover compensation from his lessor for damage by increase of game in sheriff court.

6. *From and after the passing of this Act* a tenant shall be entitled to recover compensation from his lessor for any damages he may sustain in consequence of or by reason of the increase of hares, rabbits, or game unduly encouraged or not duly prevented by the lessor on lands occupied by the tenant during the currency of his lease, provided that such increase shall arise subsequent to the passing hereof; and such compensation shall be sued for and recoverable only in the sheriff court of the county wherein the lands in respect of which the said damage is alleged to have been sustained are situate; and the judgment of the sheriff substitute or sheriff, in so far as the same consists of findings in point of fact, or fixes the amount of damages, shall be final and not subject to review, it being competent to appeal from the decision of the sheriff substitute to the sheriff; but provided always, that the judgment of the sheriff substitute or sheriff, in so far as the same consists of findings in law, shall be subject to the review of the supreme courts.

Saving of rights.

7. Nothing in this Act shall affect the rights of parties under contracts, the occupation under which shall have commenced before the passing of this Act, or affect any leases of game existing at the date of the passing thereof.

Game Laws Amendment (Scotland).

A

B I L L

To amend the Laws relating to Game in Scotland.

(*Prepared and brought in by Lord Elcho and Sir Graham Montgomery.*)

Ordered, by The House of Commons, *to be Printed,* 7 *April* 1876.

[Bill 123.]

Under 1 *oz.*